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R C DUBSKY

Ed.D.                      2015

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A thesis submitted in partial fulfilment of  
the requirements of the Manchester  
Metropolitan University for the degree of  
Doctor of Education

School of Education  
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2015

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## **Abstract**

This thesis explores the impact of regulatory codes of conduct on the lived experience of being a teacher. It locates teacher practice within the context of an environment of moral panic and Performativity through which is filtered the propriety of teacher-student relating, and considers the resulting retreat to protective risk-averse practice. This study stems from the concern that teachers are sanctioned against vague, broad and universally stated expectations with no recognition of the active role of context in what constitutes 'appropriate professional boundaries'. The foundational aim is to understand how, despite there being a known code of conduct, an educator who considers themselves caring, ethical and reflective, and strives to be a 'good person', might still act in ways that may be perceived as (and may constitute) misconduct.

Key themes and issues identified from the international literature are further explored through an analysis of 200 conduct panel records. This analysis showed that teacher-pupil boundaries (where the relationship was considered too close) were the most frequently sanctioned area of teacher misconduct. A whole-staff boundary exploration activity (drawing on group and individual questionnaires) indicated that this most significant area of sanctioned teacher misconduct was also one where even agreed definitions of what constituted 'appropriate professional boundaries' did not translate to consistent evaluation of the propriety of a range of hypothetical behaviours. The central narrative of a single practitioner is then explored in relation to these established themes and confusions, and given additional depth through two stages of comment from four critical readers. This narrative illustrates the tensions of these themes and confusions in practice and informed the exploratory focus within national and local contexts (sections three and four, respectively).



The combined message of these data is then discussed through a Foucauldian lens, drawing upon 'Games of Truth' and discourse analysis and embracing the need for the process of ethical self-constitution to support the development of teachers' ethical practice and the realisation of teachers as professional subjects. Sachs' 'Active Professionalism' is extended in an approach that may facilitate the ethical self-constitution of teachers whilst also empowering them as professionals and respecting the voices of the whole school community in their ability and desire to co-create community-level, context-responsive codes of practice.

## **Glossary**

BERA	British Educational Research Association
DCSF	Department for Children, Schools and Families
DfE	Department for Education
DfEE	Department for Education and Employment
GTC	General teaching council
GTCE	General teaching council for England
ISA	Independent Safeguarding Authority
NCTL	National college for teaching and leadership
NSPCC	National Society for the Prevention of Cruelty to Children
OECTA	Ontario English Catholic Teachers Association
OCT	Ontario College of Teachers
TA	Teaching agency
UNESCO	United Nations Educational, Scientific and Cultural Organisation

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## **Introduction**

The propriety of teacher-student relating is filtered through a lens of moral panic that results in paralysing fear for teachers and protective risk-averse practice. The media and even much of the literature present a frightening image of widespread illegal sexual abuse in schools, and teachers as groomers and risky insiders. Consequently, there is a lack of trust in (and status for) the teaching profession despite trust and status being considered integral elements of what it means to be a profession. Before behaviour enters the realm of the illegal, who decides what is appropriate in any given context, and why, is unclear. Teachers have a lack of clarity around what may be considered appropriate when there is no specific guidance yet any such guidance at a national level could not be effective across a wide variety of educational contexts. Power plays an important role in how the regulatory system is used as surveillance. If its function only serves to wield power over teachers rather than to effect ethical practice, surely it cannot engender trust or increase the safety of students or teachers. Practicing as a teacher within that environment means living with a constant fear of misinterpretation: if you want to be a caring teacher who believes in relational practice how can you (if at all) avoid the constant risk of having your behaviour portrayed or interpreted as grooming and inappropriate? If maintaining a demonstrable distance from all students is the safest option for teachers, is this not damaging both to teachers' caring intent as individuals and to students who do not then benefit from that care?

To intensify these pressures further, recent changes to regulatory processes in England devolved all matters of incompetence and all but most serious misconduct to educational settings to resolve. Given the extensive uncertainty about what constitutes serious misconduct and an established lack of consistency in referrals even prior to 2012, anxiety is intensified and adds fuel to the existing moral panic. Despite the clear and often stated desire for transparency, which is seen as essential for building trust in the profession,

the lived complexities of teacher-student relating are denied. This closes off any opportunities to develop as ethically equipped teachers through openly discussing and working through such dilemmas collaboratively.

My research is situated within a broader field. Closest to home, Page has explored possible reasons behind teacher misconduct in a framework of organisational misbehaviour, as well as analysing conduct panel records to set a scope of misconduct and focus on selected cases from school leaders' perspectives. Spendlove, Barton, Hallett and Shortt (2012) have explored the efficacy of aggregating ethical, conduct and subject-knowledge-based standards, and questioned the actual function of conduct panels and published sanctions. The work of Piper and Sikes has been key, and covers issues around the impact of moral panic on relational touch, and the pollution of otherwise innocent interaction; as well as exploring consent and acceptability in relation to teacher-student romantic relationships. They have also clearly illustrated the challenges of such taboo research – for researchers as well as participants - and the destruction wrought on teachers by false accusations (and a fear of such accusations). I have also drawn on social work literature in relation to boundaries in rural communities where multiple roles co-exist.

Internationally, the current work most relevant to mine is Hutchings' on dispositional and regulatory frameworks, and the development of the Georgia educator ethics assessment in the U.S. Also within the U.S., the ongoing punitive approach of Shakeshaft is very significant in her desire for constant reminders of how dangerous teachers are that everyone must be on full alert against them. This is not the view across the U.S., and I have been informed by Angelides' work on consent, power and agency and Fibkins, Johnson and Cavanagh on the likelihood and lived experience of teacher-student relating that might be too close. Johnson and Cavanagh have also highlighted the public and official response to misconduct cases and the impact on this of the perceived attitude of the accused teacher. From Canada, Grondin's work on

crime control theatre has offered a very useful analytical framework through which to explore the actual impact of regulatory codes and resultant lack of genuine protection for young people. From Australia, Sachs' concept of Active Professionalism and her research across teacher standards, accountability, surveillance, moral panic and Performativity have formed a significant compass.

Teacher regulation is a developing field, and with the likely establishment of a Royal College of Teaching in England and its very different role from any other independent professional body for teachers, more research will be required on the impact of separating standards, values and professional development from considerations of conduct and regulation of conduct. This will be particularly interesting in contrast with the evolution in the U.S. of more widespread ethical frameworks within professional development for educators that specifically combine these areas in order to increase transparency in a way that supports teachers in their behavioural choices rather than simply sanctioning them (or leaving someone outside of the profession to sanction them) after the event.

My initial concern, and the motivation for this study, was that teachers are sanctioned against vague, broad and universally stated expectations with no recognition of the active role of context in what constitutes appropriate conduct. Within the grey, that means that practicing within the expectations of the code (or avoiding referral for not practicing within any given person's expectations of the code) becomes a matter of chance rather than intentional, agreed and informed good practice. Non-awareness of this dilemma leaves teachers unconsciously unsupported and open to behaviours with negative consequences. Awareness of this dilemma leaves teachers consciously unsupported and that known vulnerability leads to stress and a limitation of pedagogy and teacher identity that benefits neither teachers nor students. If teachers can see space for their dispositional teacher identity within the breadth of the code (which is very likely because it is so vague and non-

defined) but cannot see their enacted identity as 'allowed' within the specific behaviours sanctioned by official conduct panels, AND these details are unknown and unexplored by the majority of teachers, HOW can the code possibly deliver its claims in engendering public trust and maintaining a universal standard of teacher conduct?

The same specific behaviours (for example, communicating by phone with a student outside of school hours and beyond contractual obligation) may generate praise, admiration and nomination for teacher awards; or may be seen as grooming behaviour that crosses boundary lines and should engender suspicion, sanctions and closer monitoring. If it is not the phone communication itself but the content of that phone communication, then why is the content of our communications (rather than the means) not the sole focus of any conduct requirements, unless it is because we are seen as inherently untrustworthy. This would be the message from Shakeshaft's insistence on pervasive "close supervision" of teachers (2013, p11), to whom she refers as active and potential sexual predators (2013, p9) in a way that significantly increases moral panic, is not supported by data (including her own), and serves to harm rather than protect all those involved in the school community. This attitude was one of the most significant motivations for me in pursuing my research, because of the extensive and ongoing influence of Shakeshaft's 2004 literature review. Her work illustrated to me the emotive power in re-presenting actions to fit a master narrative of child sexual abuse and how this silenced any voices of dissent, closing off space for discussion and community ownership of 'appropriate' relating.

Acknowledging the frequent boundary dilemmas all teachers negotiate, particularly where they take on multiple roles (Aultman, Schutz and Williams-Johnson, 2009) acknowledges also the reasonable belief expressed by Fibkins (2006) that all teachers are vulnerable and misconduct can occur in any school from any teacher. This does not divide us in to good teachers and bad teachers (Hutchings, 2014) but illustrates the need for open, safe and

formative discussion of what constitutes appropriate behaviour and why (Ehrich, Kimber, Millwater and Cranston, 2011). So to avoid fear of perceived predation that paralyses pedagogy and likens teaching to traversing thin ice that might break any time (OECTA, 2012), can we not, before the need for misconduct referral, pro-actively explore and agree at a practice level what is considered appropriate in our context (Sachs, 2003)? This would encourage teachers to be reflective practitioners (Winter, 2000) and, in so doing, empower them as active professionals (Sachs, 2003b) in a way that effects meaningful trust (Sachs and Mockler, 2012).

The arguments and suggested actions from Shakeshaft's perspective on teacher-student relating, claim as motivation the protection of students from sexual abuse, by educators, that would otherwise occur at high frequency and be a significant risk without extreme and constant vigilance (2013). This approach would impose proscriptive conduct expectations and require constant suspicion. Whilst that might avoid issues of ambiguity, it would also reduce teachers to nothing more than compliant performers. This approach does not lead to trusted professions, nor to professional subjects who act ethically. It increases distrust and fear that then increases the need to continually increase surveillance and further legitimises those same voices that promote this panic.

My main aim in this study is to understand how, despite there being a known code of conduct, an educator who considers themselves caring, ethical and reflective, and strives to be a 'good person', might still act in ways that may be perceived as (and may constitute) misconduct. This was important to me, both personally and professionally. I have already introduced my professional motivations for this research focus. My own professional experiences have also offered me first-hand experience, personally, of the pressures of teacher-student relating within 'grey' boundary definitions and expectations. This was certainly an additional depth of motivation for engaging in such a research focus; presenting both additional opportunities and additional challenge.



My own experiences of teacher-student relating include my current teaching practice (across undergraduate, postgraduate and CPD courses in HE) and my current 'student' experience as a doctoral candidate. I recognise that this is a context in which I am teaching alongside the colleagues who also 'teach' me in my student role, and that I am simultaneously both teacher and student. It is also an adult context where, despite a removal of the child-adult binaries active and legislated for in school settings, power differentials remain active.

I came into HE from the background of leading a specialist provision for secondary-aged students experiencing social, emotional and behavioural difficulties. This setting particularly sharpened my own awareness of the need for different approaches to teacher-student interactions and the impact of differing teacher personas on engaging students in positive and productive relationships. It was influential in shaping my beliefs in the significance of genuine and supportive teacher-student relating to engage (or disengage) young people and their families.

Prior to working in specialist provision, my earlier teaching experiences (as a secondary English teacher) were in mainstream. I have also worked (and lived) in a boarding school. My own practice across these settings has included an extensive variety of teacher-student interactions, and allowed me first-hand experience of the coinciding multiple roles characteristic for resident staff in boarding schools. The role, place and time complexities characteristic of many such settings (and other, similarly insular, communities) feature significantly in this thesis.

An additional commonality between my personal and professional experience and the focus of this thesis would be my own childhood educational context – also that of a boarding school environment. Karnieli-Miller, Strier and Pessach posit that “the researcher becomes an inseparable part of the research” (2009, p286) and, certainly, my choice of research focus is embedded in my own history. Each of us has experienced teacher-student relating. Some of us

have experienced these interactions in both those roles. And all of us are likely to view current and subsequent experiences through a lens of our own past (Berger, 2013).

My conceptual framework, which I go on to detail in section 2, supports my active acknowledgement of the presence and possible impact of that lens in relation to my own research and possible reader reception of that research. Primarily, I draw on several areas of Foucault's work, particularly in regard to the constitution of truths. His work appeals in recognising the dangers of marginalisation within the work of dominant discourses and the implications of this lack of discursive space for how we constitute ourselves as ethical subjects. Post-structural rejection of claims to singular and objective 'truth' underpin my conceptual framework, with particular relevance to how behaviours might be presented, re-presented and variously read (or even read-into). Differential presentation and reception of behaviours has significant implications for regulating and assessing the propriety of teacher-student interactions; conceptually, I therefore draw on Performativity to structure and explore some of these implications.

Researcher positionality is key in gaining access to the field (Berger, 2013), and I was able to increase the relevance and utility of my convenience sampling through contacts previously known to me in both personal and professional capacities. It is likewise important to note that these productive proximities also play a role in my researcher identity that will have influenced my research approach and played a role in "filtering the information gathered from participants" (Berger, 2013, p2). These opportunities and challenges are critically considered as the thesis progresses.

There are some limitations of which I wish to acknowledge awareness. The importance of recognising the active role of context is central to my argument, so I must be conscious that the context of my central narrative is of particular times, places and participants that in different combination might have

effected different actions and reflections. There are challenges in recruiting research participants who might be willing to openly explore risky topics such as teacher misconduct. I was fortunate to gain the informed and willing participation that I did, but am conscious that those individuals who offered their participation did so because they were already reflective and aware of some of the issues around teacher-student relating, and more often relating their reflection to the actions of someone other than their self. None of the individual teachers who participated in the whole-staff boundary exploration felt comfortable to share an individual narrative. I value the rich opportunities that come from exploring a central narrative. I also recognise the appeal of broader scale participation whilst acknowledging the significant trust and rapport necessary for that level of engagement, and the ethical complexities potential disclosures may generate. My study includes the suggestion of a community-agreed, context-responsive code – the risks, gains and practicalities of which need further research that was beyond the scope of this thesis.

Within the scope of the thesis, the study contributes to theory and to policy. The aforementioned community-agreed, context-responsive code constitutes an enabling policy alternative through which educators may work within the framework of the national code of conduct and still have clarity around the propriety of *specific* relational behaviours that is not imposed or uniform. This suggestion seeks to empower communities as a whole, and teachers - as part of their communities. My theoretical combinations are used to strengthen and support this policy alternative, with a particular focus on developing teachers' ethical self-constitution within a move towards Active Professionalism. This theoretical deployment is driven by the following rationale: a more effective way of developing trustworthy professionals is that they become ethical practitioners as a result of making informed and real choices about their behaviours through a process of transformational ethical self-constitution; rather than performing in unthinking compliance with undefined universals.

As regards contribution to practice, I consider how my proposals might sit within a near future that is likely to see the emergence of a College of Teachers in England. I consider how, and at what stage/s in a teaching career, ethical self-constitution might be optimally facilitated. These considerations draw on an awareness of international developments in embedding ethical skills within an overall teacher training and professional development framework.

I begin with a review of the literature that seeks to comprehensively establish the key issues around teacher-student relating on a national and international scale. As I have explored significant themes within the literature, I have also sought to trouble some of the assumptions that reinforce the dominant discourse, to create a space for other voices. In the methodology and methods section, I lay out the approach I have taken to my research, the endeavours I have taken at every stage to ensure my research is ethically informed, and explain how my chosen theoretical frameworks serve to analyse and re-present some of the controversial themes around teacher-student relating.

Having started at a top-level broad view with my review of the literature, in section three I move in from an international to a national scope to consider teacher misconduct as specifically addressed by the National College (NCTL) in England. I consider both the prevalence of particular areas of misconduct that result in sanction, and the specific nature of the official response to teacher-student relating that is considered too close. I do this through analysing the details of the first 200 conduct panel records publically available post-GTCE (1<sup>st</sup> May 2012 – 31<sup>st</sup> January 2014). Working towards my central individual practitioner narrative, in section four I continue to refine my focus, this time to the level of an individual setting. In section four I draw on a whole-school boundary exploration to explore how the broader-scale issues are experienced in a particular setting. This allows me to explore setting-level responses to behaviours that mirror those documented in conduct panel

reports. This combination supports a questioning of whether the ease of correspondence between national and local understandings reflects issues suggested in the literature at a broad scale.

Sections one to four increasingly build a picture of the significant diversity of understandings around what universally required (yet vaguely stated) conduct expectations look like in practice. My intention is to set the scene for the tensions that might co-exist around and within Ruth's practitioner narrative that might have affected her desired identity as a teacher and formed an active element of how her enacted professionalism was shaped. Having shared the rich narrative of one individual practitioner, I then seek to further explore how the issues present in her narrative might resonate with, and be interpreted by, other practitioners. Section six develops some of the dilemmas shared in Ruth's narrative in relation to the key themes seen in the literature and in conjunction with themes and issues raised through two stages of critical feedback from four practitioner readers. This allows me to use Ruth's narrative to further critically explore the themes around teacher-student relating and teacher conduct expectations, within the framework of the literature (section one), the conduct panels (section three) and the particular setting (section four), which I do in discussion in section seven.

In conclusion, I move on to re-visit my aims and consider to what extent they have been met and what has been (and could still be) gained from my research. This is an area of ongoing change and of real sensitivity, and already significant areas for further development of my ideas that may be time-sensitive in their best potential are becoming clearer.

## **Section one: Literature review**

### **Legislation and legal boundaries:**

Since the Sexual Offences (Amendments) Act 2000, the 'abuse of a position of trust' has been a criminal offence. A 'position of trust' is considered to exist between an adult who is over 18 and students under 18 who are in full time education at the same institution as that where the adult is employed. It does not include sexual interaction between such adults and students of 18 or over, nor students who are above the age of consent but not in full time education, nor such adults and students at different institutions.

Public response during the discussion stages preceding the 2000 Act suggests a belief that teacher-student relationships, though considered professionally and ethically inappropriate, should not be criminalised where the student was of the age of consent (BBC, 1999). However, guarding against the 'abuse of power' carried more weight than such public opinion and 'abusing' this 'position of trust' is therefore a criminal offence regardless of the general age of consent.

The legal concept of 'position of trust' continued in the Sexual Offences Act 2003, although sexual interaction remains non-criminal between a teacher and a student over the age of consent where that student does not attend the institution at which the teacher is employed; since there is no relationship of trust in existence. There is no teacher-student power imbalance in place to be abused, in the way that this Act is intended to guard against (Whitehead, 2008). However, although not criminal, such relationships would still be considered referable for professional sanction and a lifetime prohibition from teaching.

The Sexual Offences Act 2003 hinges around issues of 'consent'. It is based on a clear premise that, "private morality which does no harm to others without their consent" should not be criminalised on the basis of the

disapproval of public morality (Clayton, 2005. P70). This premise makes definitions of 'consent', and legal recognition of capacity to consent, of central importance. Prior to 2003, it stood in legislation that children *could* 'consent' to sexual activity with an adult – with there being no lower age for that consent (Whitehead, 2013) and 'consent' had led to significantly reduced sentences. However, the 2003 Act specified that consent required free choice *and* the *capacity* to make that choice (Sexual Offences Act, 2003). Consequently, post-2003, any sexual activity with a child under 13 immediately became 'statutory rape' – no child of that age (under this Act) can be deemed able to 'consent'.

Consent from a 'child' over the age of 12 has less legal clarity and the agency of children between 10 – 12 is legally ambiguous: Whilst a 12 year old child is legally unable to 'consent', they *are* considered able to commit a criminal *offence* (from the age of 10) if they themselves do anything that is criminal according to this 2003 Act. The capacity to act criminally (and be liable for this action) is officially more possible and plausible, at a younger age, than is the ability to consent. Nevertheless, 'Abuse of a position of trust' would supersede any discussions or consideration of consent as regards the criminality of a relationship between a teacher and their student, where that student was younger than 18 years old. The 2003 Act defines 'childhood' as extending to include young people of 17 years. Only at 18 years is a young person not considered a child in law. Put starkly, this means that the law considers a child of 10 to have agency sufficient for criminal offending (and punishment) but not sufficient agency to consent to a relationship with a person in a position of trust, until nearly twice that age, at 18.

Significantly, the 2003 Act also brought a shift in requirement for the defence from demonstrating an '*honest* belief' that consent had been given, to demonstrating a '*reasonable* belief' (Whitehead, 2013). An honest belief could be genuinely experienced by one person without broader consensus, whereas 'reasonable belief' requires far more externally verifiable and

objective evidence. Individual internal belief now needs to be verifiable against societal norms, with anything deviant from those norms unlikely to be deemed 'reasonable'.

**Professional boundaries:**

Behaviour that may not be criminal may still be considered (and sanctioned as) professional misconduct.

Since National teachers' standards were first issued in 1997, having developed from a series of ITT outputs and competences over the previous eight years (Bailey and Robson, 2002), they have included regulations for professional conduct.

These first standards recognised that professionalism, "implies more than meeting a series of discrete standards" (DfEE, 1997. p6), but debates about how prescriptive professional codes of conduct should be continue, internationally, to this day. In 1997, appropriate conduct was outlined under the heading of 'Other Professional Requirements', and the current standards (DfE, 2013i) also 'contain' conduct as the much smaller 'part two' within the broader framework of standards for teaching competence.

Self regulation, led by the teaching profession, was briefly introduced with the establishment of the GTC in 2000 (James, 2005). Codes of conduct were produced by the GTC in 2002, 2007 and 2009, prior to the abolition of the GTCE in the Education Act (2011).

The first use of the phrase - 'appropriate professional boundaries' appeared in 2009, in a distinct code of conduct and practice. Under the first principle of eight ("Put the wellbeing, development and progress of children and young people first") details include the requirement for teachers to "establish and maintain *appropriate professional boundaries* in their relationships with children and young people" (GTCE, 2009, p8). 'Appropriate professional



boundaries' have continued to be a (non-defined) requirement in each subsequent code of conduct – whether regulated by the GTCE, TA or NCTL.

Several teaching unions raised the lack of definition around such regulatory concepts as a major concern. The NUT complained that conduct guidance was “often so vague and exposed to value judgement that it will be very difficult in some cases for teachers to know when they may be considered to have acted improperly” (2009, point 6). The whole code was seen as “riddled with vague statements that are open to wide interpretation and abuse and therefore put(s) teachers at risk” (NASUWT, 2009, np). However, a DCSF guide was issued in 2009 to provide very detailed clarification of what might constitute ‘safer working practice’ – and enable teachers to fulfil the requirements of the code. This guidance was specifically intended to respond to concerns that “there is a need for clearer advice about what constitutes illegal behaviour and what might be considered as misconduct” (DCSF, 2009, p5).

The regulatory scope of the GTCE was broader and more flexible than that of the current NCTL equivalent. Following the coalition government taking office in 2010, the GTCE’s regulatory role regarding competence was entirely devolved to school leaders and now only the most serious misconduct should be referred to the NCTL. Cases that are unlikely to lead to prohibition should be handled locally (TA, 2012b; NCTL, 2013; DfE, 2013h). The distinction between misconduct and safeguarding remains, and schools are required to report concerns about safeguarding to the ISA (TA, 2012) as they were under the GTCE.

However, in the wake of the Savile scandal, concern about reporting any suspicions relating to safeguarding has escalated (Furedi, 2013) and (compounded with several high profile child deaths) has led to calls for mandatory reporting of concerns relating to abuse (Halliday, 2013). These concerns coincide with a change in the requirements for reporting of cases of

misconduct that are *not* a safeguarding issue. Previously, all teachers' employers were required to refer cases of misconduct to the GTCE – including those where that teacher had resigned or been dismissed (GTCE, 2009b, p3). However, now there is only a requirement to “*consider* whether or not to refer the case to the Secretary of State” (TA, 2012, p5; NCTL, 2013b, p5) where that teacher has resigned or been dismissed. The departing GTCE raised significant concerns about this shift from ‘duty to refer’ to ‘consideration of referral’, claiming that it “calls into question whether all cases of teachers who are causing concern will be subjected to proper scrutiny” (Saunders, Jennings, Singleton and Westcott, 2011, p12). These concerns were shared by the House of Lords, although their debate illustrated real confusion between ongoing legal duty to refer issues relating to safeguarding to the ISA, and a lesser requirement to ‘consider’ referral with regard only to misconduct *not* relating to safeguarding (Hansard, 2011). Their concerns mirror and fuel the moral panic symptomatic of discussions around child protection and teachers' professional conduct. Most significantly, they reflect the complexities around this highly emotive topic – within which teaching professionals must maintain “appropriate professional boundaries”, in a range of contexts, subject to serious professional and societal sanctions, and without clarity.

### **Appropriate professional boundaries – where is ‘the line’?**

Johnson refers to the line between criminal and professional misconduct as “a Maginot Line, heavily fortified with disciplinary measures” (2008, p3). But she also refers to the constitution of appropriate boundaries as “a gray area that is context- and person- specific” (*op cit*), as do Ehrich *et al* (2011) – suggesting “there is not always a clear-cut answer” in this daily ‘test’ of ‘teachers’ morality’ (p175).

Porter suggests that we can identify the boundary crossing point, in the moment where “we shift the focus away from our students and onto us, and specifically onto our own needs and desires” (2010, np). Whilst Johnson

(2008) agrees that breaching the 'Maginot line' is driven by teachers meeting their own desires, the line of 'appropriate boundaries' is far harder to place and fix. She refers to misconduct being about "a continuum, not a single moment" (p100); a progression Fibkins recognises has universal application, when he states that "misconduct can have its beginnings in good intentions" (2006, p120).

Hutchings also refers to misconduct as a process rather than an event (2012). He does not believe there is a specific point on the continuum (or 'slippery slope') that indicates 'the line'/ the point of no return, nor a specific moment in time to which that line crossing might retrospectively be tied. Nevertheless, he does believe that "if a teacher does not clearly establish the very first boundary, then all other boundaries have the potential to become arbitrary" (np), so to that extent he does seem to present boundaries as necessarily absolute. He echoes Fibkins' (2006) belief that teachers need barriers, because boundaries can be hard to see when closely involved with a student.

Having said that "the 'line' isn't always clearly delineated between teacher and student" (2004a, p22), Johnson does question when a 'bit of fun' "become[s] predatory" (p21). However, she also reveals how *she* wrote poems about one of her students and his "legendary penis"! Whilst she was teaching him! *And*, at that time, she showed it to her friends! She refers to these poems as "harmless flights of fancy" (2004b, p91), although I would challenge her suggestion that sexually objectifying students is just teachers' "*bit of fun*— with the means they have at their disposal" (2004a, p21); This argument is unlikely to engender much sympathy for her "years of pedophilic guilt" (2004a, p24).

Accordingly, Aultman, Schutz and Williams-Johnson (2009) found that "The perception of the 'line' was in different places for different teachers ... [and that] it may also differ with the same teacher across different individual students" (p644). They offer the distinction between boundary *crossings* and

boundary *violations* – with the latter requiring sanctions whilst the former may be professionally necessary and justifiable. However, although subjectivity of definition positively accommodates varied individuals and contexts, because it is “if the client perceives the action as harmful, the act is considered a boundary violation” (p637), it would not avoid accusations of grooming to shape client/student perception even if a student confirmed their interpretation of an action as a non-violation prior to its enactment. Dangerous greyness remains.

Arguably, the biggest danger in this greyness is that these boundaries are both non-defined *and* assumed (O’Leary, Tsui and Ruch, 2012). Consequently, the outcome of Page’s analysis of the GTCE’s conduct panel records may not be surprising: He found that “the most common type [of misbehaviour referred to the disciplinary panel, was] ... inappropriate interaction with pupils ... [where] the defining feature of this category concerns professional boundaries between teachers and pupils” (2012, p10). Doel *et al* (2009) suggest that it is where “fitness to practise issues start to become matters of public confidence and vice versa” (p91) that the grey area exists. Their suggestions include the necessity for absolute definitions, to avoid any room for multiple interpretations. If there is no clarity or consistency prior to the ‘Magenot line’ (Johnson, 2008) yet we are *all* on a ‘slippery slope’ (Hutchings, 2012), there are bound to be many issues with professional boundaries.

Even lines that may seem an absolute and reasonable assumption to draw in some settings may be inappropriate to draw in others. In some settings, a student visiting a teacher in their home outside school hours may seem a clear boundary violation (McCormack, 2007). However, this may be commonplace and expected in settings such as boarding schools where teachers live on site, and their out of hours availability is a selling feature of the school and its family environment.

Within the greyness, Cavanagh believes that “it is important to disentangle coercion from consent, [and] criminal activity from what might better be called a professional boundary violation” (2007, p199). However, because important discussions around boundaries are currently “over-determined by master narratives of child sexual abuse” (*op cit*) such discussions remain personally and professionally dangerous (Sikes, 2010; Sikes and Piper, 2010). Dominant lobbyists such as the NSPCC clearly imply that *any* teacher who crosses ‘the line’ has done so intentionally, through a process of grooming and entrapment (NSPCC, 2012). ‘The Line’ drawn by the NSPCC seems to be at the point at which sexually related communication is introduced (2012, p3). The problem is that such lines cannot be seen from outside of the interaction, leaving the only ‘safe’ option for teachers being to completely avoid any situation or topic where their behaviour may possibly be construed as misconduct or predatory. This makes *all* teacher-student interaction very risky (Patience, 2008) so that “risk is possible in *any* encounter with a child” (Sachs, 2004, p1). When “virtually every moment with children is potentially ‘high risk’” (McWilliam and Jones, 2005, p113), managing this risk takes priority over everything else (*op cit*, p110); including effective and caring teaching.

### **Risky teachers and teachers at risk:**

The literature suggests that some teachers may be more at risk and riskier than others.

If the NSPCC’s ‘line’ relating to sexually related communication is a risk indicator (2012, p3) are teachers whose curriculum material engages with emotive and sexual exploration more vulnerable or dangerous? In some subjects, the nature and content of discussion may be more likely to “engender intimacy and provide line-crossing opportunities than other disciplines” (Johnson, 2008, p45), with Johnson suggesting that English and language/Arts teachers might be so effected through use of literature that encourages intensity and self exploration (*op cit*, Johnson, 2004a). Jagodzinski agrees, claiming that “in English and Fine Arts departments ...

issues of eroticism are always in the foreground in the material covered” (2006, p357).

In secondary school environments in particular, apparently ridden with viral teenage sexuality (Porter, 2009), teachers are vulnerable to temptation and seduction by adolescents who don’t really care about those teachers (*op cit*). Porter suggests that “Adults with no life” (2009, p144) who are charismatic yet immature, lonely and with unmet emotional needs are at (and of) the highest risk. Shakeshaft (2013) describes such adults as “emotionally arrested” (p10) and playing out their own adolescent fantasies (*op cit*). Shaviv links the characteristics of charisma and emotional immaturity into a figure he calls ‘The Pied Piper’, from whom might be observed “characteristics of cult leaders” (2010, np).

Hutchings develops the pedagogical side of Shaviv’s ‘Pied Piper’ persona, when he draws on Fibkins (2006) and Johnson (2008) to describe teachers who engage in sexual misconduct as often being highly respected, with a holistic teaching persona and effective in reaching disengaged and marginalised students; sometimes seen as the ‘saviour’ type of teacher.

Porter’s concerns (2009) about lonely and isolated teachers are shared (Shakeshaft, 2013; Johnson, 2008) and of particular concern where a teacher is seen to isolate themselves from the staff body (Shaviv, 2010), avoiding participation in the adult community (Porter, 2010). However, others see the role of ‘teacher’ as inherently “characterized by loneliness” (Einarsson and Granström, 2002), making such risk a feature of the role.

Whilst the more alarmist voices use this potential breadth of risk to argue that schools “can never be too suspicious or too careful” (Shaviv, 2010, np), more reasoned voices also recognise that we are *all* potentially vulnerable to boundary crossings and sexual misconduct; *every* teacher in *every* school. The risk is in “denying the reality that such behaviour [sexual misconduct] can

happen to any teacher given the right combination of factors” (Fibkins, 2006, p5). “The vast majority of at-risk teachers ... are not sexual deviants ... Rather, they are human” (*op cit*, p16); “like everyone else” (Cavanagh, 2007, p143). And the *positives* of our teacher-student relationships exist *because* of this shared humanity (Giles, 2009).

How we negotiate teacher risk, as teachers, has much to do with our professional and personal identity. Each individual “will bring their own personal ethics – whether that be an emphasis on consequences, reference to rules, or a focus on relationships and character – to identifying and resolving the dilemma at hand” (Ehrich *et al*, p181). If we see our teacher role as ‘The one who knows’/‘The Master’ (Taubman, 1990) with a knowledge-regulated distance preventing any risk proximity, we may be less exposed than ‘The one who cares’ (*op cit*). Connell (2009) refers to ‘Good teachers on dangerous ground’, and it may be that actions separated from feelings – leading to teacher disengagement (Day, 2004 cited in Hebson, Earnshaw and Marchington, 2007) – are the only route to auditable ‘goodness’; where teachers have to move from caring to performing, to avoid increasing vulnerability (Hebson, Earnshaw and Marchington, 2007, p680).

### **Power – the impact and recognition of various imbalances:**

Master narratives of child abuse locate all the vulnerability in the teacher-student interaction within the student. Sovereign models of power inform both legislation and professional codes relating to teacher-student relationships, pre-determining “the subject positions of ‘adult-perpetrator’ and ‘child-victim’ in advance of an analysis of actual inter/subjective power relations” (Angelides, 2009, p100). Fromuth, Mackey and Wilson (2010) believe there is *such* power inherent in the teacher role that any teacher-student relationship outside of the professional will always be an abuse of that power. Whilst some pedagogical approaches may choose to de-emphasise that power differential, Porter (2009) warns of the dangers in its denial. She insists that this is why friendship between teachers and students is impossible:

“Friendship implies a degree of give-and-take that can’t exist in a relationship in which there is a power differential, like there is in the student-teacher relationship” (p76). However, on this basis it would be impossible to be friends with your boss or any senior colleague (increasing the risks of teacher isolation), suggesting that role-inherent power is weightier than age-inherent power, and ignoring the ability to recognise different proprieties in different contexts (e.g. in and out of work).

Perhaps the teacher-specific issue is that there *is* no ‘out of work’ context; that teachers are always teachers because professional guidance makes even their private spaces public (Russell, 2010, p148) and boundaries between home and school are increasingly blurred (Spendlove *et al*, 2012, p454). If teachers are regulated “within *and outside* school” and must observe those professional boundaries “*at all times*” (DfE, 2012c, p9), teachers’ context is always professional and therefore always constrained. This might suggest a limitation of power rather than its facilitation.

Age does not seem to be the determining factor, although Porter (2010) does state that age as well as power differentials mean there can be no equality between adults and adolescents. Is it because schooling is compulsory, so an element of choice in engaging in a relationship is removed? Even in post-compulsory schooling where students are above the age of majority, teacher-student relationships beyond the professional are frowned upon. “However slight the age gap and regardless of who is the initiator, in a teacher-pupil relationship there is an important power relationship and a professional responsibility not to be involved in such liaisons” (Myers, 2002, p301; as cited in Sikes, 2006, p268). Within Higher Education, academic-student interactions remain controversial (Gallop, 2002) if more resistant to regulation (Barbella, 2010), although the same debates about ‘appropriate boundaries’ persist (Higgins, 1998; Schwartz, 2011). This would suggest the issue is more about the power of the establishment inherent in the authority of the teaching role, than it is about age.



Power of the establishment can also be located within gender roles. Haywood (2013) argues that teacher-student relationships are especially scandalous when the teacher is female, and even more when they are a white, middle class female (Cavanagh, 2007). This breaks more than *professional* taboos; it breaks constraints of race, class and gender. Discrepancies in gendered power overwhelm any power inherent in the status of 'teacher' or age of 'adult' in Pennisi's recount of being sexually harassed by her 12 year old male student (Connor *et al*, 2004). In touching her sexually, he acts as a male – rather than as a child and her student – so 'reducing' her to receiving his action as a 'female', which weakens her (*op cit*, p500). In this interaction the student-child has the power, and has been able to "cross personal boundaries by entering into a disempowering sexualized male/female discourse in the classroom" (*op cit*). This account is reminiscent of Angelides' exploration of inconsistencies within the law, where an adolescent student (B) had initiated oral sex from his teacher and blackmailed her into continuing and progressing their sexual encounters, yet was considered "devoid of *any responsibility for his actions whatsoever* in the context of consensual sex" when he could have been found *fully* responsible by law had the context been one of rape (2009, p103). Because the law only recognised sovereign power, it did not recognise B's gendered or social power.

Teacher-pupil relationships are subject to "a more complicated series of power relations than the law presumes" (Angelides, 2009, p94). These multiple dimensions of power overlap closely with issues around agency and consent.

### **Agency and consent:**

In her examples of 'clear' boundary crossing, where the student claimed to have consented to the relationship, Johnson states "it is not always clear who the victim was, or if there was one at all" (2008, p4). However, even in cases where the student participant in the relationship claims strenuously to have consented to and sought out the relationship, and both parties insist their

connection is genuine and will endure, the teacher is always the 'predator/offender' and the student always the 'victim'. Angelides believes that the law sets up these binaries of: "adult/child, perpetrator/victim, consent/coercion, power/powerlessness" (2007, p349). Piper and Sikes (2010b) refer to the case of Helen Goddard (a 26 yr old who had a relationship with her 15 year old female student). Even though both parties vowed the relationship would continue and they were in love, the prosecution requested Goddard NEVER be alone with underage girls ever again – as if Goddard were by nature a sexual predator who would be forever a danger to all young girls. Multiple similar examples exist: Angelides (2007) refers to Dunbar and Ellis (Dunbar's female teacher) in Australia, where "parents groups and victims of crime and child-abuse support groups chose to ignore Dunbar's vociferous and public rejection of child-victim status and his defense of Ellis, and instead came forward to censure the decision and Ellis' behaviour" (p351). Their situation closely parallels that of Jeremy Forrest and his female student in the UK in 2013, where media, child protection experts and educators combined to "find ever stronger language to condemn him" although their "concern for the girl ... [did] not extend to listening to her side of the story or respecting her repeated claims that the relationship was loving and consensual" (Rooney, 2013, np).

Shortt *et al* (2012) suggest that codes of conduct play "upon the emotiveness of the Child:Adult relationship" (p129), setting up a binary where freedom for teachers equates to total compromise of a child's fundamental rights, on the basis of the child's inherent vulnerability. However, surely the compromise of a child's fundamental rights is at least as threatened by the silencing of their voice through "the hegemonic discourse of child sexual abuse and the law" (Angelides, 2007, p350). Angelides points out that whether or not the young person involved identifies themselves as a victim should make a huge difference (consistent with Aultman, Schutz and Williams-Johnson's [2009] earlier mentioned constitution of boundary *violations*). However, this would require recognition of agency, and just as there are apparent legal

inconsistencies in accepting a child's capacity to consent vs their capacity to offend; a young person's voice is apparently only heard when it matches the master narrative. Johansson (2013, p678) asks: "if no means no does yes mean yes?" But the answer is negative when student accounts are ignored and, if they indicate consent, in going against the master narrative (of child sexual abuse) they are taken as symptomatic of abuse (Cavanagh, 2007). From within that master narrative, comes the DfE's advice on safeguarding, according to which "anyone working with children should see and speak to the child; listen to what they say; take their views seriously" (DfE, 2013a, p9). However, although they should be "treated with the expectation that they are competent rather than not" (*op cit*, p10) whilst "the laws around consent ... reject the viewpoint of the child entirely" (Williams, 2013) this expectation of competence is not evident.

Angelides best sums up this contradiction:

"It seems a little odd to me that we uncritically accept the subjective perceptions of those young people who indeed have felt manipulated, coerced, victimized, and sexually abused by adults, yet we trivialize or discount the subjective perceptions of those that not only did not feel abused but felt their experiences were wholeheartedly consensual and positive."

(2007, p357)

Shakeshaft (2004) claims that "children under 17 or 18 cannot make informed choices about sex with an adult" (p39) and yet despite asserting "Research indicates" this to be the case, offers no supporting citation. The law allows children of 16 years and younger to make life and death decisions about their own medical treatment, subject to Gillick competence: "if he or she has sufficient understanding and intelligence to understand fully what is proposed" (DfE, 2012b, p6) yet it does not allow them that capacity in their relationships.

Mercieca (2012) suggests that the concept of 'child' (who is a child and what that means) is treated as so universal and uniform in policy that particular children are lost. This blanket regulatory approach is of concern to many (Grondin, 2010; Sikes, 2006; Cavanagh, 2007; Johansson, 2013) in its practice of "regard[ing] all those under that age of majority as a homogeneous group" (Sikes, 2010, p147), and erasing their subjectivity (Angelides, 2007 and 2012).

### **Disembodied classrooms – asexual teachers and teaching:**

The intertwining of agency, consent and various dimensions of power that lead to 'power' and 'positions of trust' as defined by the law, "in relation to the exchange of knowledge, present(s) a strict disembodied space so that the carnal sexualized body does not hamper reason and rationality" (Jagodzinski, 2006, p339-340). However, for both students and teachers, power underlies all these discussions, through the regulation and control (via. discursive practices) of sexual activity and identity (Sikes, 2006, p265).

Cavanagh refers to "a culture of professionalism that depends on the repudiation of the erotic" (2007, p93). Epstein, O'Flynn and Telford (2003) agree that "there is an official silence about all kinds of sexuality in the vast majority of mainstream schools and universities in Anglophone countries" (p3; as cited in Sikes, 2006, p266). This official silencing could be seen as the inevitable framing of teacher-student relationships "almost always stated, or taken, as being illegitimate, abusive and exploitative on the part of the teacher" (Sikes, 2006, p266) - clinging tightly to the Sovereign model of power.

Even though much of the literature refers to the "'erotic charge' ... often characteristic of 'good' teaching" (Sikes, 2006, p270; Hooks, 2003; Johnson, 2004a), we still seem "in thrall to a sexual/pedagogical politics that demands the annihilation of the teacher's sexuality as the precondition of her/his survival as a teacher, much less her/his success" (Aoki, 2002, p39). Gerouki

concurr, suggesting “the desexualisation of the teacher contributes to an asexual school environment. The preservation of such an asexual environment is the target of the system” (2011, p5).

Most of the literature accepts that it is normal for teachers to feel a full range of intense emotions when relating to their students, and that this is human nature (Fibkins, 2006, p23). This is not asserted in any way to deny the real horrors of sexually abusive behaviour or coercive relationships; but in the interests of picking apart blanket constructs that might serve to deny more than they protect (Cavanagh, 2007). If teachers are only prepared to discuss such attractions informally (yet as widely as is claimed) but ‘serious discussion is buried’ (James, 2009), it allows sexuality to become the “rotting elephant” Johnson describes (2004b, p93) – leading to situations where “the very pretence of an asexual classroom is what allows sexual misconduct to take place” (Johnson, 2004a, p21). Teachers need to be prepared for these feelings (Fibkins, 2006) and the full breadth of challenge in their role (Porter, 2009). A classroom cannot but be an erotic place “as long as there are sexed people within it” (Johnson, 2008, p18).

### **The ‘right’ response from ‘guilty’ teachers:**

The strength of the master narrative serves to silence even the smallest strands of acceptability in a beyond-classroom relationship between teacher and student. Haywood (2013) claims that schools are “a significant space where ‘acceptability’ can be re-stabilised” (p48) and that “media reports of sexuality and schooling are primarily about the control and regulation of sexuality divisions” (p46) serving to “consolidate hegemonic narratives of the ‘acceptable’ through the reconstruction of ‘ideal’ teachers, pupils and schools” (p45). Potts and Scannell (2013, p1) suggest that the line between the acceptable and the unacceptable reflects the fault lines at the heart of mainstream society’s constructed values. “The unacceptable is that which transgresses this moral code, that which needs to be criticised, censored or suppressed in civil discourse” (*op cit*) in order to maintain societal construct.

This censorship and suppression can be seen in the reaction to teachers' responses when suspected, accused or sanctioned. There is evidently a 'right' and a 'wrong' response, the force of which is such that it can be seen in official guidance on the severity of sanction. At conduct panel, a teacher needs to convincingly demonstrate they are free from any "deep-seated attitude" that might lead to further "harmful behaviour" (DfE, 2013h, p9). If prohibited and given leave to appeal at a later date, to have the prohibition removed at that appeal: "Whether and to what extent a teacher demonstrates clear and unequivocal insight into the misconduct that led to their prohibition and the extent to which they can demonstrate a clear commitment to regaining their professionalism should be an important part of the panel's considerations" (*Op cit*, p10).

Heller's catch-22, as defined by Howard Jacobson, is "a situation which frustrates you by the paradoxical rules or circumstances that govern it, something that gets you whichever way you move" (2004, p523): If Orr flies planes he is crazy, and therefore doesn't have to fly planes. But if he doesn't want to fly them he is sane, so has to fly them. Likewise, a teacher who insists their consensual relationship with their student is genuine and sincere is a predatory offender who will never be allowed to teach again; whilst the teacher who 'confesses' that their relationship was abusive and corrupt may find forgiveness and redemption – given leave to appeal for the removal of their teaching prohibition and a return to the classroom. Knoll's response to one case study illustrates the strength of moral condemnation in this catch-22:

"If Ms. T continues to teach, yet is unable to see her relationship with Ms. S as a violation of professional boundaries, her risk of repeating the behaviour is likely to persist. Ms. T will continue to have a lack of insight into how she abused the power imbalance and trust inherent in her teacher role. Thus, as long as Ms. T views her behaviour as a "consensual" love affair, her risk will remain unmitigated." (2010, p381)

Continued denial of how inappropriate the relationship was would even suggest “some psychopathic traits, which would also serve as a risk enhancing factor” (*op cit*).

Johnson (2008, p41) refers to the case of Mary Kay Letourneau, suggesting that her “adamant refusal to confess her sins – to be a docile body – probably earned her a harsher sentence than if she had been more compliant with their predatory construction.” In the trial of Amy Gehring, Cavanagh (2007, p108) claims that the greatest point of anxiety for normative others was that she “did not allow herself to be shamed” by her desire.

Critical to the response of others to a teacher-student relationship, seems to be discretion. Sikes (2006, p270) refers to her relationship with the teacher who later became her husband as being of knowledge to senior staff, but states that their relationship was discrete. Discretion is a feature shared by other ‘allowed’ teacher-student relationships explored in that same article (*op cit*, p273). Such discretion is obviously of significant absence in the relationship Sikes details that went badly wrong, where “senior staff started to get alarmed by the indiscreet behaviour of the couple” (*op cit*, p275). Although Sikes’ stories do refer to the 1970s and the context has changed, it seems notable that it is the indiscretion, rather than the relationship itself, that causes the alarm. Discretion allows others to distance themselves from the possibility of having to decide whether or not a relationship that falls outside of mainstream acceptability might be genuine.

### **Distance:**

Distance seems to be an important characteristic of a teacher’s ‘professional’ behaviour.

Porter (2009) insists on a variety of ways in which teachers should be distant from their students. Firstly, she states teachers need to accept their students do not care about them as an individual, but simply in their capacity as

'teacher'; that teacher-student interaction should be between roles not between individuals (p33). She insists that teacher and student access, each to the other, should be restricted in multiple ways: Access to personal information should be strictly limited, which has significantly negative implications for teachers who see relevant self-disclosure as part of their pedagogy. In seeking to empower her students through feminist pedagogy, Torton Beck (1983, p162) found that "self-disclosure humanizes the teacher and makes her more accessible"; at conflicting ends from Porter's desire for *restricted* accessibility. Porter sees these restrictions as being two-way, claiming that teachers who talk to students about theirs or the students' private lives don't actually have much of a life themselves (p58). To clarify, she draws a line between 'relating to' and 'identifying with' students: the first can be achieved at a safe distance whilst the latter has no degree of separation.

Stillwaggon (2006) and Blenkinsop (2006) agree that distance between teacher and student must be maintained, in order for the student "to directly engage with the subject matter as an end" (Blenkinsop, 2006, p129), rather than with their relationship with the teacher being that end. Biesta (2010) would seem to support this argument, when he advises teachers to 'mind [or maintain] the gap' in order to ensure the interactional structure necessary for teaching and learning that can only take place across such a relational gap. In Biesta's argument, the gap is necessary in order that there might be a relationship – although the required size of this gap is non-specified, and not necessarily the chasm Porter suggests.

Secondly, Porter (2009) argues for restricted time access, stating that "We should not spend time with students beyond our contractual obligations to do so" – she considers such time "professionally unnecessary" (p112). Her concern is that "after-hours communication ... relaxes the boundary between us and them [our students]" (p105) and she takes issue with schools that publish the out of hours contact details for any member of staff, arguing that



the more you increase the scope of your role, the more you increase your liability (p106). Porter seems to be saying that easy access is inherently problematic. In describing one particular case where a teacher had a consensual romantic relationship with a student over 16, she states: “Bill worked at a boarding school and had access to students around the clock ... the proximity fuelled his desire” (p48). This line of argument implies teachers are dangerous by nature – addicts surrounded by temptation – and plays, once again, into the master narrative of child abuse. Is teacher-student distance ‘necessary’ because teachers cannot be trusted? Is it a tacit acknowledgement that asexual education is a pretence in that enforced distance is necessary because discussing challenges faced by sexed humans interacting in classrooms is too uncomfortable?

Excessive focus on developing risk-free pedagogical relations, leads to teacher-student relationships that are “constrained, formal and programatically predictable ... [such that] the learning outcomes will be emotionally constipated, intellectually truncated and culturally backward” (Patience, 2008, p59). Patience refers to a ‘friendship deficit’ in classrooms, driven by Utilitarian pedagogies of performance, “conducted in self-regarding psycho-social zones that isolate individuals from each other and severely constrain the scope of the curriculum” (*op cit*, p60). These debates about distance are part of those attempting to locate ‘the line’ of the teacher-student boundary, such that the boundary debates *locate* ‘the line’ whilst debates around distance argue the ‘no-man’s-land’ *width* of that ‘line’.

Carr (2005) explores the inconsistencies (even incompatibilities) in the construction of ‘teacher as professional’. He argues that the “essentially formal or *impersonal* nature” (p255) of professional relationships seems incompatible with the personal teacher-student relationships required for good teaching, such that good teaching would be incompatible with this construct of professionalism. The arguments about what constitutes ‘appropriate’ teacher-student relating are so diverse that we should question whose interests each

stance might serve. Both students *and* teachers have a basic need for relating each with the other (Spilt, 2011). The Summerhill students who participated in Piper and Stronach's (2008) research, were very aware of the distancing of adults from students in their previous schools, and that separation had led to them feeling 'pushed away' and not getting on with those distant adults (p21). Mercieca (2012) considers this distancing from teachers' perspectives, and believes that it also alienates teachers from their students, as well as from their purpose. Where teaching as a 'professional' prohibits teachers' *and* students' need for relating, with the non-'professional' sanctioned as 'unprofessional', the sovereign model of power is evident again in this constraint of humans-who-teach under the guise and supposedly elevated status of professionalism.

Significant, also, amongst the areas in which Porter (2009) asserts teachers and students should be distanced, is social networking. She insists that teachers should *never* interact with students via. personal email, phone, text, instant messaging or facebook (p89). Her main concern about these forms of communication is that they put "our students and us in the same virtual online communities without the benefit of the boundaries that exist in real-world school communities" (p106). This may be seen to imply that without externally imposed boundaries, teachers will be unable to behave appropriately. Accordingly, Shakeshaft also adopts this stance, stating that her "concern is that it makes it very easy for teachers to form intimate and boundary-crossing relationships with students" (Preston, 2011, np).

### **Surveillance:**

If a qualifying characteristic of professionalism is trust, yet teachers need to be kept at a distance from their students with their conduct monitored and regulated in order to render them trustworthy, surely we are either not a profession or would not wish to be. Blower makes clear the NUT's concerns that "no other profession comes under such continual scrutiny and no other profession has accountability systems based on so little trust" (Press

Association, 2012, np). How can teachers be trusted professionals if they need so much surveillance to ensure they are trustworthy (Shortt *et al*, 2012)? Constant and pervasive surveillance gives no opportunity to demonstrate trustworthiness – just compliance (Sachs and Mockler, 2012). Trustworthiness would only be demonstrated if the desired behaviour were enacted without the surveillance, yet without the surveillance, how would anyone external to the behaviour know that it was trustworthy unless they trusted the actors? Another catch-22.

This is arguably the main source of concern as regards social networking, since through this medium the interaction is far less visible and therefore less open to surveillance ... which would not be an issue if not for the absence of trust.

Shakeshaft (2013) insists that school leaders should be constantly vigilant in looking out for any signs of risky behaviour from their staff. In stressing how hard abusers work to be likeable and popular, she implies that likeability and popularity in a teacher actually ought to trigger suspicion (p10). Shakeshaft is clear about the necessity of an environment of “close supervision” (p11) where “*any* report, rumour, or suspicion” *must* be fully pursued – specifically without any consideration of how valid or not these might be, for such determinations are to be left to the official investigation that she says must follow all such concerns (p12). Any space teachers might access where they could be unsupervised should be preventatively secured, and those staff who seem particularly “emotionally needy” should be especially closely monitored (*Op cit*). These measures should be reinforced by regular training for parents and students “which should highlight sexual exploitation of students” (*op cit*), and backed up even further through posters and flyers; All this to stop the “many” teachers and other school staff who sexually abuse children (*op cit*, p13).

Shakeshaft's stance is more extreme than most, and her arguments are dangerous for several reasons. Fibkins (2006) points out the damage of the pervasive surveillance culture Shakeshaft (2004) claims to be urgently necessary:

"The report emphasises vigilance, screening, and investigation that, I argue, would establish a climate in which every teacher is suspect and vulnerable to charges that would increasingly flow secretly and unchallenged into a case coordinator's office from any member of the school community who has heard rumours or suspects misconduct. ... [this] could create a school climate that focuses on vigilance and suspicion, and welcomes rumour and allegations and labelling that may be false, premature, and in some cases a vendetta against a given teacher." (p21)

Unfortunately, her voice has had great impact across the U.S. and beyond – stemming from her 2004 literature review into 'Educator Sexual Misconduct' for the U.S. Department of Education (Shakeshaft, 2004). This should be of great concern because the emotive horror-story she tells is not backed up by the data she herself draws upon, which seems twisted to fit her claims. This should undermine any reader's trust in those claims, but does their fit with the master narrative of child sexual abuse insulate them from doubt or avoid doubt entirely?

Shakeshaft (2013) recently said that *she* 'coined the phrase' 'Educator sexual misconduct' – but previously (2004) she had acknowledged the source as being the Ontario College of Teachers' 2001 policy guidance. The data she cites (2013, p17) as 'most recent' is drawn from her 2004 review – which is actually using data from 2000 and earlier. The main studies from which she draws are the 1993 and 2001 *Hostile Hallways* survey studies by the American Association of University Women (AAUW), of which she did a secondary analysis in 2003 (Shakeshaft, 2003). On the basis of this data, she

states: "Of students who experienced any kind of sexual misconduct in schools, 21 percent were targets of educators, while the remaining 79 percent were targets of other students" (p18). So why would the primary focus be on the 21% and not the 79%? Similarly, drawing on Stein, Marshall and Tropp's (1993) analysis of a sexual abuse survey in *Seventeen Magazine*, she states that *only* 3.7% of the girls who said they had been sexually harassed or abused in the last school year had been abused by a teacher or any other member of school staff (p20). Specific to the UK, she drew on Cawson *et al* (2000); whose study indicated that *only* 0.3% of respondents "had experienced sexual abuse with a professional, a category which included priests, religious leaders, case workers and teachers" (p21). To compound those tiny numbers, she continues: "The number of teachers who abuse is fewer than the number of students who are abused" (p22). As Fibkins (2006, p1) points out, "there is no epidemic of teacher sexual misconduct in our schools", as seen from Shakeshaft's own data but very different to the picture she paints from that data.

An alternate reading of Shakeshaft's data might be taken to show that nearly four times as many of those students who experience sexual misconduct in schools do so at the hands of their peers rather than of their teachers. Furthermore, of those very few students who do experience sexual misconduct from a member of school staff, rather than each student being so treated by a different member of staff, the number of school staff involved is even fewer than the number of students. Finally, despite her focus on school leaders and administrators maintaining an environment where *they* strictly monitor all their staff, she refers to the AAUW 2001 data and her own from 2003, to present a percentage breakdown of the job titles of educator offenders. This shows that 18% were teachers (plus a further 13% including substitute teachers) and 6% were principals. On the basis that schools have far fewer principals than teachers, this would suggest that principals are over-represented in the offender profile, thus more likely themselves than the teachers they might subject to surveillance to be those enacting the

misconduct. This interpretation might be taken to undermine the utility of top-down surveillance ... or it may encourage an even more comprehensive, panoptic surveillance.

Grondin (2010) believes that Panopticism “moderates teacher-student interaction” (p6) in Ontario, where teachers are required to monitor both their own behaviour and that of their colleagues (p4); “Failure to report is itself a form of professional misconduct, and can lead to charges and sanctions” (*op cit*). ‘Safe teachers’ “must constitute themselves as self-regulating subjects” in the mirror image of ‘teacher’ as constructed in the policies of the risk-conscious school (McWilliam and Jones, 2005, p114). Sachs (2004, p3) refers to anxiety levels being so high that teachers are actually reporting themselves to the department, having “become complicit in their own oppression” (Shortt *et al*, p130). In England, Page (2013) claims that the panoptic is clearer than ever in Gove’s reforms and reinforced by inspections for which notice is given only the afternoon before; “the management of incompetence is devolved to schools but the rigour of the panoptic is increased” (p242).

### **Dangers of scaremongering:**

The highly-charged emotive presentation of teacher-student boundary ‘violation’ and educators as predatory sexual offenders (who seek access to innocent and vulnerable children to groom and abuse through exploiting the guise of their position of trust) leads to panic and extreme risk-prevention. In such a context, the momentum of the master narrative is almost unstoppable and ‘virtually commands agreement’ (Piper, Garratt and Taylor, 2012, p13). News headlines such as “Hundreds of teachers accused of having sex with pupils in the last five years” (Garner, 2014) and reinforced by statistics in such a way as to suggest there really is an epidemic of teachers sexually abusing pupils (“Hundreds of teachers accused of sex with pupils, *figures show*”; Baxter, 2014), only increase the momentum of panic. Stories like these use a tiny selection of statistics to make ‘newsworthy’ claims about a bigger picture

that are not substantiated by broader, more comprehensive and more relevant data.

It is not just Shakeshaft's work that illustrates the data-defying strength of this narrative. Knoll (2010) cites previous U.S. research data that "9.6% of all students in grades 8–11 reported educator sexual abuse" (p372) and backs that up with an 8% figure from an Israeli study, to suggest the alarming significance of educator sexual abuse worldwide. However, a meta-analysis published in 2009 (Pereda *et al*), on which Knoll does not draw, on the prevalence of child sexual abuse, found that (across 22 countries) 7.9% of men and 19.7% of women had experienced sexual abuse prior to the age of 18. In the U.S., specifically, the figure was 25.3%. In that context, the rate of such sexual offending from those in an educator role would be significantly less than the national picture. Pereda *et al* (2009) did find that child sexual abuse was a serious problem – but *not* one driven by educator sexual misconduct. It is surely damaging to suggest that our focus should be on vetted educators; distracting us from the more likely perpetrators of such abuse. The collective data corresponds with the bulk of the literature, in suggesting educators are not immune from sexual misconduct, but also illustrates that a student is significantly safer with an educator than with an average person from the general population.

Gove (2012; DfE 2013c; DfE 2013d) seems to recognise previous "misdirection of attention" towards 'stranger-danger' and sees it having served "false comfort that we could regulate and license sin out of all our lives" by "introducing suspicion into perfectly normal and healthy interactions between children and adults". He accuses this mindset (and the previous government's guidance) of "succumbing to lurid fears which lurk in our psyches and take hold of the public imagination after particularly turbulent news cycles" (Gove, 2012, np). The impact of these 'lurid fears' is that the discursive space for exploring such topics "has already raised the possibility of the sexually transgressive or illicit" (*op cit*), with the discourse itself "actually pervert[ing]

what was previously pure, indeed in itself bringing about corruption” (Piper and Sikes, 2010, p138). We see this illustrated in Piper and Stonach’s Summerhill research, through the impossibility of avoiding a sexual register (2008, p10) when exploring relational touch. Greteman’s concept of ‘Intimaphobia’ (2014) extends Piper and Stronach’s concerns to interaction between children when he states that actions that start off as seemingly innocuous become “potentially abusive, oppressive and something to be feared” (p751) when seen “through legal and judicious ideas developed in the adult world” (p749).

The scenario Gove describes epitomises the ‘moral panic’ which has tainted and made hypersensitive all interaction between adults and children/young people, through a central focus on the figure of the paedophile (Sikes, 2010, p147). This hypersensitivity has intensified “worst-first” thinking (Piper, Garratt and Taylor, 2012, p10) such that working in a school environment is all about avoiding the ‘danger ahead’ (OECTA, 2012).

In Ontario, teachers receive guidance such as ‘On Thin Ice: maintaining professional boundaries’ (OECTA, 2012, Appendix 1) illustrating the danger from which teachers’ unions feel the need to protect their members; likening professionals’ fearful school experience to traversing ice that might, at any moment, break. Significantly, the Ontario College of Teachers (OCT) was the first independent self-regulating professional body for teachers and has a comprehensive and compelling focus on inspiring public confidence and trust. Why is this fear so high if professionalism is *about* and *built on* trust? Is this an illustration of the catch-22 where surveillance is needed to demonstrate trustworthy behaviour but its very presence undermines trust – resulting instead in compliance? If such levels of fear around teachers’ self-protection exist so apparently within this most professionally-valid of contexts then ‘trust in professionals’ seems to be trust in the organisation that regulates professionals, rather than in the individual professionals themselves. Given that the OCT is self-regulating, this suggests that the public is asked to trust



teachers at an organisational level but not as individuals. Such a stance would reinforce the panoptic in our constant regulation of self and colleagues. When questioned about the constraints of a culture where teachers are under constant surveillance, Michael Wilshaw (2014) insisted such a culture was about accountability. The accountability argument is used often in this way, but does reinforce the claim that teachers cannot be trusted. “Accountability is an evocative concept that is all too easily used in political discourse and policy documents because it conveys an *image* of transparency and trustworthiness” (Sachs, 2011, p3). If a teacher holding *themselves* to account is insufficient, it seems probable that individual teachers are considered inadequately rigorous in the standards to which they might hold themselves without close external monitoring.

From their basis in “erroneous or exaggerated perceptions” (Sikes, 2010, p147), moral panics tend to ignore or deny complexities and jump immediately to demonstrably severe and penalising action (McRobbie, 1994; as cited in Sachs and Mellor, 2005). The DfE (2013c, 1.1) recognises that part of this responsive action has been policies “developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed”.

Such misguided beliefs lead to policies and guidance that Griffin and Miller (2008, p160) describe as ‘Crime Control Theater’, where the strategy is to show a “public response or set of responses to crime which generate the appearance, but not the fact, of crime control”. Just as moral panics promote exaggerated and symbolic deviance (Goode and Ben-Yehuda, 2009, p27) that catches the popular imagination, so do these ‘Crime control theater’ responses (Grondin, 2010) in being more about what is seen to be happening in response, rather than what is actually being achieved by that response. Grondin specifically applies her concerns to regulatory measures in schools, and suggests they actually “act against the interests of those whose protection is sought after” (2010, p3). Similarly, Shortt *et al* (2012, p125)

question “whether those who govern education systems create codes of conduct in the real belief that they will actually determine how an individual teacher will behave in a given situation, or whether the code of conduct is produced in order to give the *appearance* that such levels of control over teachers exist.”

Instead of developing ethically informed regulatory codes of conduct, moral panics and the resulting crime control theatre lead to an actual function of such codes that is more about “minimis[ing] risks of litigation” (Ehrich *et al*, 2011, p174). In this scenario, professional regulation is relegated to due diligence with the appearance of unified control, rather than having primary focus on actually establishing and ensuring ‘appropriate’ professional conduct.

### **Codes of conduct**

“By ‘managing’ risk we create the illusion of controlling our destiny ... The possibility of wrongdoing rather than the doing of wrongdoing is now the focus ... We learn to fear not what has happened and its consequences, but what may happen and therefore the need for its inhibition.”

(Piper, Powell and Smith, 2006, p154)

Codes of conduct, consequently, may be seen to inhibit rather than to guide. Hayward (2013, p45) presents the view that moral panics are used as “a means of generating a shared ideology, often through the amalgamation of disparate moral forces that effect a manufacturing of sexual norms and values.” Accordingly, legislation, guidance and codes of conduct may be seen to inhibit in order to control diverse subjects into a manageable (and disciplinable) norm; constructing “a certain type of teacher with certain characteristics who can be readily managed” (Bourke, Lidstone and Ryan, 2013, p6). Shortt *et al* (2012, p125) argue that “the very nature of the Code

seeks to marginalise a diversity of values across the teaching workforce". The blanket nature of such codes (as well as legislation and guidance) would support this interpretation of their normative action on teachers *and* students. Hayward (2013, p53) considers the public concept of the paedophile, to suggest that by locating this danger in strangers (rather than in family members – as is more statistically likely) it allows us to exclude this behaviour from society and distance ourselves from it, which in turn allows for the unproblematic preservation of the status quo. We could interpret the exaggerated portrayal of the sexually deviant teacher/predator as fulfilling a similar role in sustaining the 'professional teacher' as an unproblematic construct; it is part of a normalising judgement where any deviation from a conservative image risks association with myths of moral panic, and is subjected to punitive public discipline in order that teachers may be coerced to conform and comply (Bourke, Lidstone and Ryan, 2013).

Poisson (2009) authored the UNESCO guide for designing and effectively utilising teacher codes of conduct. She defines such codes as a "functional tool" (p14) "to provide self-disciplinary guidelines to the practitioners of a profession, through the formulation of ethical norms and standards of professional conduct" (p16). Van Nuland (2009), also for UNESCO, distinguishes between codes of conduct and codes of ethics: "A *code of conduct* sets out principles of action, standards of behaviour, or how the members of the group will work, while a *code of ethics* may be 'aspirational' in tone stating the ideals of the profession and emphasizing the values that guide it" (p7). The widespread uncertainty about the underlying purpose and scope of codes of conduct seems unintentionally illustrated through the overlapping definitions within these two publications – are they 'bigger picture', vision-statement-style, expressions of ethical aspirations? Or are they functional tools for specified daily practice? Saunders speaks for the departed GTCE, advising any future Royal College of Teaching that codes "should be conceived as the fulcrum between teaching standards, professional regulation and professional development, encapsulating a common understanding of the

central ethical values, responsibilities and rights of the profession of teaching” (2013, np). She refers to a code “of values *and* practice” – suggesting a two-part structure in line with Van Nuland (2009).

Lemaire and Dawson (2010) specifically consider the two different approaches – ‘Rules’-based codes (related to prescription for specific situations) versus codes that are intended more to ‘guide’ based on representative principles or standards and stem from broader consultation. They dislike the first approach – particularly when imposed and not negotiated. Their argument is that you wouldn’t (and we don’t) teach children to be responsible in this way, so why would you take such an approach with teachers. Responses to their argument are likely to depend on whether you see codes and standards as serving teachers or the public/the consumer. Arguably, Marketisation means they are for the consumer and purely behavioural in perspective, such that what matters is that teachers comply – not why they do (Evans, 2011, p861). Bailey and Robson (2002) see this in the way that “the standards are expressed in behavioural terminology with hardly any reference to professional values or personal qualities required for good teaching” (p329).

A bigger issue for teachers is when codes with an unclear identity (a combination of the aspirational and rules-based approaches) are used as a disciplinary tool. If breaching the code leads to sanctions then that code needs complete clarity and shared understanding (Hickey, 2010). “It is far less straightforward when the criteria and language of the code are written in a manner that expects and requires interpretation by practitioners of much more broadly defined virtues, qualities, principles or commitments and disciplines self-regulation against these” (O’Neill and Bourke, 2010, p164). Hickey (2010, p133) believes the teachers’ codes and standards are so general as to be inarticulate; they may yet have some functional use as a framework for professional action but are certainly not fit for purpose as a trigger for, or to quantify, disciplinary sanctions for professional misconduct. Because of this lack of clarity, “teachers moderate and dilute their

professional judgements ... out of fear of their accountability to authority which holds potentially draconian legal powers” (Clayton, 2005, p82). A code needs to provide clarity and consistency at a whole school level and across the school system, but this must not substitute for professional judgement and become merely about performing compliance (James, 2005, p88). Clayton (2005, p82) argues that standards should “extend(s) beyond the narrow confines of law and penalty”, suggesting that detail and clarity are essential in relation to law and penalty, but that something additional - to capture the profession’s own aspirations to professional excellence - should constitute professional standards of conduct. This aspirational style of code would then derive its power not from disciplinary force, but upon “manifest[ation] in actual social behaviour and disposition” (O’Neill and Bourke, 2010, p161). Where the literature inclines towards more comprehensive surveillance and supervision of teachers, it also requires explicit and prescriptive rules-based codes of conduct (Shakeshaft, 2013; Porter, 2009): “a principle-based, prescriptive and enforceable code of conduct for teachers” (Barrett *et al*, p890).

The current code of conduct for teachers in England (DfE, 2013i) is arguably principle-based, but does not lend itself to consistent enforcement due to the intentional lack of detail and specifics in the code. The DCSF (2009) guidance from the previous government provided many additional specifics with the intention of increasing clarity and made ‘sticking to the rules’ a much more reasonable expectation in actually translating those rules into the practical. However, it ran the risk of inciting paralysis through the scope of its expectations; making its message less accessible and harder to implement (Lemaire and Dawson, 2010), for teachers searching through it to find each specific situation they faced to assess its official propriety and their ‘right action’. Ultimately, its benefits were also its weaknesses, as the extent of its coverage generated a level of anxiety that overwrote central aspects of professionalism (such as relationships, trust and responsibility) through defensive extremes of risk-management (Piper and Stronach, 2008).

Although much professional regulation has now been devolved to school leaders, the conduct expectations illustrated through the NCTL conduct panel process (NCTL, 2013a; NCTL, 2013b) do still match those detailed in the DCSF (2009) guidance. As such, the DCSF guidance is still useful for those seeking greater clarity.

**Context:**

Sachs (2003) insists that standards must be context-responsive; they cannot be uniform. Poisson's UNESCO guidance (2009, p32) concurs, stating that the code itself "should reflect the context of the place where it is applied." Power (2012, p627) argues, correspondingly, that "it is not so much the form of rules per se that is critical – their explicitness – but the organizational and cultural context in which they operate."

One of the arguments for devolving regulation of professional competence and less serious misconduct to school leaders is that it allows for responses that are more context-relevant. Legislation and the teaching standards may be universal but, below the 'most serious misconduct' threshold, the blanket applications and uniform understandings of those regulations, criticised by so many (Cavanagh, 2007; Angelides, 2009; Shuffleton, 2011; Sikes, 2006; Sikes, 2010; Mercieca, 2012), may be applied with some degree of local interpretation.

However, local interpretation may also be seen as inconsistency across the school system; The Lords specifically debated their concerns about "variation in treatment from employer to employer" (Hansard, 2011, column 259). Local variations might downgrade the status of the standards from that of a professional code to a school-level or authority-level code, where compliance may become more about contractual than professional obligations. Universal rules may be considered necessary to ensure "a professional obligation ... to universally impartial regard for the (professionally relevant) needs of others" (Carr, 2005, p258). Page adds that "organisational contexts are also

important antecedents of activities that are considered deviant” (2012, p1), perhaps supporting the GTCE’s research suggestion that regulation of teacher conduct “based on local discretion may not be able to secure” public trust and confidence, for which “consistently-used criteria” are necessary (Saunders *et al*, 2011). This topic revisits the issue of trust at a local level versus enforcement at a national/profession level.

Cerna’s OECD report (2014) explores what might constitute ‘trust’, and why this matters for governance and education. The external accountability instruments she identifies within the process of evolving trust (p20) require the “signalling” (or demonstration) of specific behaviours, against which schools will be held accountable and must be seen to perform. “The uncertainty and instability of being judged in different ways, by different means, through different agents” (Ball, 2001, p211) sharpens the risk of not being seen to perform ‘signals of trust’ that will be universally benevolently interpreted. If we recognise that “trust needs to be considered as a context-specific phenomenon” (Van Maele, Van Houtte and Forsyth, 2014, p2), how can we be confident that what signals trust at a local level performs that same outcome at a national/professional level?

Sachs and Mockler (2012, p33) consider that performativity is significant in relation to context because performance cultures at a local level may vary in impact between the more positive making “public the aspects of teacher practice and decision-making that are taken for granted”, on the one hand, and “subvert[ing] teacher autonomy ... to the neglect of the relational” on the other. Variations in definition (for example, of ‘appropriate professional boundaries’) are thus further complicated by variations in measurement of how performing the defined behaviour might be assessed. Ball endorses this argument, stating that performativity generates uncertainty both about the propriety of our actions and the reasons behind them; extending to a lack of clarity about what is valued (2003, p220) that may reflect a perceived

disparity between profession-wide or governmental values and those officially espoused by the specific context in which we practice.

Aultman, Schutz and Williams-Johnson (2009, p639) found that “the context in which (teachers practice) greatly affects the type of relationship that is possible with students.” Where smaller groups of students were taught, closer relationships were likely. Engaging with the curriculum “in a deep and meaningful way” was also likely to enhance relationships and increase openness. It would seem poor practice not to respond to students in a context-appropriate manner, when the acceptability of any behaviour will depend on “the prevailing social and cultural context” (Sikes, 2006, p268) which will vary significantly between settings. This would not preclude consistency or Carr’s impartial regard (2009) - it could allow for consistency *within* different contexts within the same setting – whilst not necessarily prescribing consistency *across* different contexts within that setting. This is an essential consideration where teachers have dual roles and practice across very different contexts within their setting.

There seems to be an acceptance within the literature that “teachers with dual relationships have to be especially careful because multiple roles mean multiple types of boundaries associated with those roles” (Aultman, Schutz and Williams-Johnson, 2009, p642). Thayer-Bacon (2010, p166) seeks a relational epistemology, “that strives for awareness of context and values, and seeks to tolerate vagueness and ambiguities”; This would accommodate multiple roles and accordingly varied boundaries, but regulatory codes and standards that lead to sanctions cannot likewise accommodate the vague or ambiguous.

Boarding schools are a particular example of where teachers are subject to universal legislation and professional regulation of conduct regarding maintenance of ‘appropriate professional boundaries’ within small communities with their own distinct identities and contexts. O’Leary, Tsui and



Ruch (2012) consider social workers' practice in small communities (and the resulting inevitability of dual relationships) that may be seen to parallel the boarding school context. They believe the likelihood of potential boundary breaches is heightened in such settings (p13) so consequently encourage an open acknowledgement of that possibility so that social worker and client can work together "to focus on how they can manage their connections rather than on how they can maintain their distance" (*op cit*). Pugh (2007) also looks at social workers' dual relationships, and recognises that "in some small communities, the normative style of relating to others may be one in which it is expected that daily life is conducted in a friendlier way and is thus much less narrowly circumscribed by a neutral, 'professional' style of engagement" (p1406). Aultman, Schutz and Williams-Johnson (2009) believe that this is also true in a school environment, and that it is harder to keep a distance from your students when you live together in a small community with them – such as a rural area, where you are likely to know students' families and bump into them in your out-of-school life.

Similarly, in boarding schools where the majority of staff are also resident, "the distance between teacher and student collapses as cultural values, dress codes, and types of entertainment begin to blur" (Jagodzinski, 2006, p338). These are all-encompassing communities, where resident staff might be on duty seven days a week; where shared cultural values are a feature; where sixth-formers wear business suits, and entertainment via. intentionally shared social opportunities is frequent. Just as Pugh says that where there is trust and respect between social workers and service users within the community (2007, p1412), the service user will often initiate conversation relevant to the service out of hours and in informal settings, so this is exactly and intentionally the case in a residential boarding environment between teachers and pupils. In such a setting, "they cannot easily maintain social distance ... for this is likely to obstruct the building of trust" (*op cit*). If trust is a professional requirement, and the norm for building trust in small communities requires relational proximity and access, inherent challenges are set up for

teachers in boarding schools: Do they pursue trust as appropriate to each of their multiple roles within their setting, as part of their professionalism, but in so doing risk transgression of profession-level expectations of relational distance?

Porter (2009, p112) specifically refers to the response of boarding school staff to her advice, and the “quizzical stares” she receives when insisting ‘after hours’ contact with students should not happen. She continues: “At boarding school, where work is life and life is work, it is hard to know what constitutes ‘after hours’. But adults at boarding schools get time off too, so even they should be mindful of this boundary” (*op cit*). It is, however, almost impossible to follow all of Porter’s advice when living and working in a boarding school. She talks about teachers’ “responsibility to cultivate a meaningful life outside of work, even when we feel like we don’t have the time or energy to do so” (2009, p123), but unless your life outside of work lives on site with you, this is a holiday-only endeavour. She recognises that “When adults spend all their time at work or expect the community to meet their emotional needs ... [the] price is burnout or identification with students” (2009, p143), yet this is the norm for many residential boarding staff. She even applies this caution specifically to boarding staff, warning that “Those of us who work in schools are sometimes prone to sacrificing our emotional needs for our work, or of trying to get our emotional needs met at work rather than outside of work. This is especially true at boarding schools ... When our work community is our only community, we’re not practicing *right action*” (2009, p176). Porter’s suggestion is that teachers practice mindfulness and reflect upon *right intention*: what are our motives and how are they consistent with our values. Piper and Stronach (2008, p30) agree that we should be concerned with “*motives, context, and values*. Yet motive, context, and positive values are missing from accountability policy and guidelines.”

### **Interpretation and fears of misinterpretation:**

Although motives do feature in the accountability policies and guidelines for teachers' standards and professional conduct, they are very much open to interpretation. Pugh (2007, p1413) states that "professional bodies, because they are examining cases retrospectively, typically examine the outcomes of the professional's actions with much fuller knowledge than the practitioner can possibly have had at the beginning of a case." A professional's action may be informed by a particular intent that does not translate through to the interpretation attributed by a regulatory body. The meaning of an action or how something is done "exists only in the way in which people use" that thing or interpret that action (Biesta, 2010, p15). Consequently, if a teacher's action is interpreted as predatory and a boundary violation, this was indeed the meaning of that behaviour – somehow attributing that predatory intent to the teacher, regardless of what their subjective intent may have been.

Kelchtermans places this issue at the core of teachers' vulnerability: Being recognised as a 'proper' and valued teacher is very important, but, "because this recognition depends on others' perceptions, it is very vulnerable to contestation" (1996, p319). Misinterpretation seems more likely when regulatory bodies apply universal judgements across varying and diverse contexts, individuals and values.

This is why there is such understandable anxiety about acting in any way that could be open to misinterpretation. "Even the same signs can be appropriated, translated, re-historicised and read anew" (Bhabha, 1994, p37 as cited in Biesta, 2010, p20); it is not the behaviour itself that is inherently acceptable or unacceptable (Piper, Garratt and Taylor, 2012), but the perceived intent. "It is entirely possible for two different people to interpret the same behaviour as sexual harassment, or for the same person to interpret differently identical behaviours displayed by two others, or the behaviour of one person differently on separate days" (Hassall *et al*, 2002, p3-4, as cited in Johansson, 2013, p683). This makes it almost impossible to regulate for uniform formal boundaries based on specific behaviours (Johansson, 2013).

Newberry (2013, p3) draws on Mahoney (2009) to argue similarly that “the trouble with determining the appropriateness ... [of teachers’ behaviour] is due to needing to consider not only the actions, but also the intentions, of the one performing the behaviour”.

If “ambiguity is unavoidable, and what counts as appropriate and inappropriate can change according to sometimes unpredictable and variable circumstances” (Piper, Powell and Smith, 2006, p163), then for professionalism to be demonstrable and observable (O’Neill and Bourke, 2010) at all times, a teacher’s practice must be significantly and pervasively inhibited. Patience (2008, p58) describes the affective teacher-pupil relationship as necessarily hazardous and it seems that teachers really do have to have to make pedagogical decisions weighing up the interests of their personal safety against the best interests of their students (Sachs, 2003b; Sachs, 2004). We see this enacted in guidance such as ‘On Thin Ice’ (OECTA, 2010) which, in its acknowledgement that “most allegations arise from a misunderstanding or misinterpretation of the teacher’s intent” (p7), is specifically about the inhibition of its members’ practice in the interests of their own protection. They may be interpreting the standards more strictly than the standards themselves (Piper, Powell and Smith, 2006) but disciplinary sanctions have shown this to be necessary.

One example of how these fears translate to practice is Russell’s (2010, p153) research with ‘Queer teachers’ who might be (and wish to be) role models “for their queer students”. They avoid these mutually positive opportunities because they are reluctant “to take the risk to engage freely” with these students for fear of being “misrepresented by students or colleagues as the iconic pervert/threat”. She concludes by saying there is a mixed identity to be sought, between ‘predator’ and role model’, and argues that discourses that make teachers either of those two extremes, “invariably harm us and our students.”

In the master narrative of child abuse, the iconic pervert/threat within schools is the sexually predatory teacher who grooms their pupils. Knoll (2010) talks about the 'subtlety' of the grooming process, and how such a predator would address a child's feelings of being unappreciated and gain their trust. Knoll refers to grooming as "a conscious, deliberate, and carefully orchestrated approach" (2010, p374). This corresponds with the NSPCC's definition of grooming, as "a conscious, purposeful, and carefully planned approach" to gain access, trust, compliance and secrecy (2012, p2). However, once more, these refer to motives as indicators rather than behaviours; and the behaviours with which Knoll associates those motives are also indicators of a caring professional, acting appropriately within their role. Likewise, he refers to the specific targeting of vulnerable and marginal students for additional support, attention and rewards in order to motivate and engage those students. The NSPCC briefing (2012, p3) refers to similar indicators: "Rewarding for the purposes of grooming may take place in the context of providing the pupil with additional help, mentoring, advice in relation to a project or coursework, or opportunities for out of school activities." Even if parental consent and approval is sought for this additional support, it may simply be considered part of a conscious strategy to involve the parents in the grooming process, in order to "allow the offender to have greater access to the victim and enhanced ability to spend time alone with them" (NSPCC, 2012, p3). If such behaviours are seen as cause for suspicion, teachers will either have to deny many students the support and encouragement they need or take on the risk of accusations of grooming. Fears of such accusations keep "teachers stuck in the one-dimensional role of being academic teachers only, no longer willing to risk being an adviser or learn effective helping skills and left instead to maintain their social distance from the real needs of students and not able or expected to use their natural helping skills" (Fibkins, 2006, p29).

Given that school leaders will now have to decide what constitutes serious misconduct and should be referred to the NCTL, the weight of interpreting the

motives behind behaviours falls upon them now more than ever. Hebson, Earnshaw and Marchington (2007, p679) are clear that “measurement is inevitably imprecise when it is subjective, making the measurement difficult to substantiate and prone to challenge” and the interpretation of motives behind teachers’ actions both subjective and controversial. The commonly adopted strategy of prescribing the ways in which teachers should ‘perform’ relationship work (in order to reduce scope of and need for interpretation) “will be detrimental to quality teaching” (*op cit*, p693). School leaders could find “their impartiality open to doubt, regardless of the action they take” (Mortimer, 2011, np). Fibkins (2006) also flags the negative consequences for school leaders, if they are seen as ‘protecting’ teachers who are found to have engaged in misconduct. He suggests that if school leaders and their staff had training, leaders would be able to provide the appropriate help and support to teachers before instances of misconduct occurred (p110).

### **Supporting and developing teachers:**

Establishing motives and intention is critical for determining propriety of conduct unless all actions that might be negatively interpreted are entirely disallowed; as considered previously, such actions incorporate all teacher-pupil interaction. Tomlinson points out that “the surest safeguard is the inner conscientiousness of the teacher” (1995, p64) and “an excess of external direction, control and measurement” effectively discards “the personal responsibility of the individual teacher” (*op cit*, p65). For the healthy continuation of teacher-pupil interaction, without the need for school leaders to constantly question how this should be interpreted, Newberry suggests “providing a space and context for deep, critical reflection” (2013, p16) within a climate of trust and open discussion (Sachs, 2003).

This is important not just to support effective and caring pedagogy, nor to alleviate interpretative pressure from school leaders, but also for teacher well-being; which in turn links back into effective pedagogy and reassuring school leaders’ necessary confidence in their colleagues.

Porter (2009, p39) offers a list of seven 'grown up' skills, essential for teachers' owning and reflecting upon their professional conduct, and topping this list are 'self-awareness' and 'self-mastery'. Top of her list of advice for school leaders (p128) is the 'assistance' of their staff in this endeavour. Given her focus on the dangers of/for staff without a fulfilling life and emotional support outside of work, supporting a healthy work-life balance for their staff would also be seen as an essential part of school leaders' role in the framework of ensuring appropriate professional conduct. Spilt (2011) specifically focuses on teacher well-being, in the context of teacher-pupil relationships and their genuine and legitimate importance to teachers' emotional well-being. This emotional proximity need not be a concern when part of the positively recognised role of a balanced and supported teaching staff. "Teacher–student relationships are often mentioned as one of the core reasons for staying in the profession" (*op cit*, p460); There is so much focus on teachers leaving the profession within their first five years (Wilshaw, 2014), and if we want to retain good teachers perhaps we should consider the ways in which we inhibit and constrain mutually supportive and healthy teacher-pupil emotional relationships. Is teachers' departure really about challenging pupil behaviour? (*Op cit*) Or is it that the relational pedagogy that might reduce challenging behaviour is considered too risky to be an available solution?

In order to support teacher's well being and enable healthy teacher-pupil relating, the literature includes many suggestions relating to professional development; this varies depending on the authors' interpretation of 'healthy relating'. Those advocating strictly distanced and role-to-role only interaction to manage risky teachers, see 'professional development' needs as a clear issuing of explicit rules, enforced by clarity of disciplinary processes where specific actions lead to unambiguous, speedy and severe sanctions (Shakeshaft, 2004; Shakeshaft, 2013). Porter's approach (2010) is slightly less behavioural, since in addition to explicit teaching of boundaries, she also advocates open discussion. However, neither of these approaches could

really be considered ‘professional *development*’, since they merely impose and threaten – without ownership, co-creation or any meaningful participation; this strong emphasis on deterrence, enforcement via. threat of penalty, simply creates a paralysing and silencing climate of fear (Clayton, 2005).

Approaches that insist upon role-to-role interaction only, deny that teachers “are persons as well as personas” and that they “are human beings with a full set of needs, emotions, longings, and dreams” (Alston, 1998, p368-369).

Fibkins (2006) also posits the necessity of open discussion but accepting of teachers-as-humans with the focus on normalisation and support.

Correspondingly, Einarsson and Granstrom (2002, p126) argue that “it is important that teachers are informed and aware of their own aggressiveness and sexuality, as well as that of their pupils.” Fibkins’ (2006) key focus is on the need for training: preparing teachers for the likely complexities of interpersonal relating and equipping them for this likelihood. Hutchings (2012) agrees, and his focus is on ITT. Alongside clarity of conduct expectations, both Fibkins and Hutchings argue the need for strong support and mentoring that is ongoing.

Clayton (2005, p83) stresses that the “one guideline which does help in avoiding problems” is being able to talk in an open and supportive school environment. Being able to discuss potential problems in non-threatening ways, “constructively and professionally ... a talk about professional development, not the beginning of an embarrassing disciplinary process.” This view was endorsed by Saunders *et al* and the GTCE (2011, p16), who suggested that teachers should be far less isolated in decisions regarding professional conduct, through much more whole school collaboration, support and discussion.

Various suggestions have been proposed considering how such open and non-threatening discussion might be facilitated. Ehrich *et al* (2011) suggest an ethical model through which to consider teachers’ practice, that



acknowledges the “multiple forces at play” (p173) in dilemmas teachers frequently face (Appendix 2). Such a model would lend itself to developmental (scenario-based) discussions and “draws attention to the interdependence of” a range of factors (p179). Ehrich *et al* (*op cit*) believe that their model “could be used to help teacher participants to articulate the dimensions of ethical dilemmas and the processes involved” (p183). It would therefore also accommodate the recommendation of Doel *et al* (2009) that “guidance needs to recognise the limitations of formal codes of practice and find ways of engaging with individuals' personal moral codes and belief systems ... [or otherwise, such personal beliefs can be] a possible source of transgression” (p96).

The use of scenario-based professional development has been widespread in Ontario and promoted by the Ontario College of Teachers through their materials on standards *in practice* (OCT, 2003; OCT, 2008) and complemented with self-reflective learning tools for teachers (OCT, 2010) that draw specifically on ethical standards. Self reflection and the active use of actual teacher narratives are strongly encouraged. O'Brien (2010) believes that teachers should tell their stories – as part of exercising their freedom – but insists that this should facilitate their critical thinking “in a way that opposes docility” (p7), which would require space (or act to create that space) to challenge dominant narratives. It would be vital that any meaningful, profession-owned discursive space did allow for such challenge, and was seen as non-judgemental in so doing. (My experience of the Ontario College of Teachers conference (2012) was that such space *is* available amongst teaching professionals in Ontario, although the united public image and message of any such organisation might lead you to question how far that space extends.)

Aultman, Schutz and Williams-Johnson (2009) also advocate use of specific scenario examples. They too draw on colleagues' experiences (via. observation and discussion) and agree that ITT and CPD should deal

explicitly with teacher-pupil boundaries (p645). They also suggest that future research on this topic might be strengthened by bringing in the voice of the students, as may well be the case when actually formulating what should constitute 'appropriate professional boundaries'.

### **Localising National standards:**

Some of the significant literature drawn on in this review comes from the field of social work. O'Leary, Tsui and Ruch (2012, p10) and Doel *et al* (2009, p91) both consider circular, layered boundary models that distinguish between the non-negotiable and the negotiable. In translation to teaching, such a model might contain the national legislation and top-level teaching standards within the non-negotiable (Doel *et al*'s inner circle relating to fitness to practice) and locally agreed, context-responsive expectations within the outer circle (Doel *et al*'s location of public confidence). Part of that local agreement would be the use of the boundaries between the two circles to form professional connections rather than create professional distance (O'Leary, Tsui and Ruch, 2012), a function that could be served by Pugh's (2007) conception of boundaries as negotiated and agreed between social workers and service user; that are flexible for redefinition.

Poisson's UNESCO guidance (2009, p26) describes a very collaborative, community-based process for arriving at a code of conduct, with broad representation throughout that process. This approach could be used to create local codes that worked within the national framework, but allowed context-response and co-created clarity to genuinely reflect and guide. If the whole community created and signed on to the code, it is unlikely that there would be discrepancies of interpretation with regard to NCTL referrals. Additionally, it may be argued that such "internally articulated and policed standards are more effective and are more educationally sound" (Alston, 1998, p367). "A meaningful conception of professionalism is not what is set down" in uniform 'professional standards', "it is the enacted version of this" (Evans, 2011, p862). If our publicly presented uniform 'Teachers' standards'

do not match enacted professionalism they are unlikely to engender much public trust – the standards have little meaning in that scenario. Only local co-creative public involvement in standards is likely to foster a genuine trust in teachers as professionals in the community; where all community members can see for themselves (and have continuous involvement in re-negotiating) the translation of standards to practice.

The OPM report (2010) into the future accountability of teachers specifically sought the views of parents and carers. Interestingly, they found that taking “a wider perspective on accountability arrangements” tended to make parents “more risk averse” than when they focused on their own child and context (p9). This would reinforce the view that engendering trust at a wider, national level is less achievable than it would be at a local, known level. Their respondents “favoured greater self-accountability for teachers, and strengthening accountability to local stakeholders” (p7). Although parents did want to retain some overall framework of accountability at a national level, they wanted this to allow “space for local variability to be factored into judgements” (p9).

The official guidance from the DfE is that:

The “substantial reduction in guidance to schools ... [is] part of this Government’s objective of placing more power in the hands of teachers and other front-line staff ... believing that the front line should be responsible for making sensible safeguarding arrangements, rather than relying on compliance with requirements which have been set centrally.”

(DfE, 2013c, 1.4)

They see the role of the government as being to, “lay down principles”, as a framework for “front line skilled professionals to use their own knowledge and judgement to safeguard and promote the welfare of children in their care”

(DfE, 2013d, p5). They specifically state that schools can have safeguarding procedures or policies that are additional to or differ from central arrangements, “provided that they do not impede or conflict with them” (*op cit*). There seems to be no official barrier to schools taking on a collaborative and locally-negotiated approach to their code of enacted professional conduct.

### **Active professionalism:**

One particular approach that could be seen as supportive of localising national standards, as well as empowering teachers as professionals, is Sachs’ Active Professionalism. She sees teacher activism, “as a strategy to re-instate trust in the teaching profession by the community at large and to counter the de-skilling of teachers by governments who want to control teachers and the teaching profession” (2003b, p4). Activist teaching allows schools to move away from “a dynamic of risk aversity or even risk anxiety” (*op cit*, p5) through working with communities at a far deeper level than co-operation. Sachs views “trust conceptualised towards activist ends [as something that] requires debating and negotiating a shared set of values, principles and strategies.” Within a framework of Active professionalism, *trust* is active, because it has to be built *and* sustained; No shared vision or collective action is possible without trust. Sachs believes that what makes Active Professionalism truly collective is the move “from individualistic identities to a pluralistic or a ‘we’ mentality” (*op cit*, p10) which also serves to remove the role-enforced barriers between ‘teacher’ and ‘pupil’.

However, although this approach may offer real opportunities at a local level, the foundational ethos of Active Professionalism demands more extensively transformative change than restriction to local level action might seem to represent. Sachs believes that “first and foremost [teacher activism] requires a sustained effort to shed the shackles of the past, thereby permitting a transformative attitude towards the future” (2011, p8), rigorously contesting taken for granted assumptions. The localised application I suggest above may

be more about working within taken for granted assumptions at a national, grand narrative level than rigorously contesting them. However, perhaps working upwards from ground level to effect ripples of change may be genuinely in the spirit of such an 'internally driven' approach.

“While professional standards work to provide a signpost to those *outside* the profession that teachers ‘measure up’ to expectations, in real terms professional standards are only as useful as the process teachers enter into in order to demonstrate they have met them” (Sachs and Mockler, 2012, p40). This description of uniformly applied national-level standards illustrates their current ‘crime control theatre’ function in portraying a controlled and centrally regulated professionalism. However, this crime control function of being seen to be compliant is just about providing to others “a representation of being seen to be good and a production of a regulated self” (*op cit*). Consequently, it lacks meaning (and therefore erodes trust) since it does not reflect an enacted professionalism.

## **Section two: Methodology and Methods**

I have drawn on a combination of sources in my approach to this study at every stage. Although my approach to the fieldwork, analysis, and suggestions for future action and exploration, draw on (what may initially be considered) an eclectic combination of thinkers and ideas, I have found that their combination works well for me. I was encouraged to make such a combination by Stephen Ball's 'conceptual toolbox' approach (2006). Ball encourages researchers to consider how theory might be used as a practical tool for analysis and reflexivity rather than constrain us to a fixed theoretical identity that may be less useful for some areas of focus than for others. If theory is to challenge closure as Ball suggests (2006, p6), our theoretical stances must also resist closure and be usefully applicable within the context of the particular question under exploration. Therefore, we should avoid "constructed boxes, categories and divisions" (Ball, 2006, p3) of theory as much as we seek to do so in wider Discourse, if it is this fixed structure with which we take issue – as is the case for me in this research. In this section and the discussion section, in particular, I illustrate the nature and application of my toolbox combinations.

My dominant framework draws upon several areas of Foucault's work, in relation to the constitution of truths in particular. His explorations of how differing routes to establishing truths might result in differing enactments of those truths (depending on whether they are self-constituted as part of subjective ethical constitution or imposed as 'the truth' of the master) encourage consideration of the formational function of professional discourses. Foucault's work is particularly relevant to my concerns in the areas of power, discipline, truth and the self. His explorations of the mutually constitutive relationships across those domains<sup>1</sup> offer me significant

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<sup>1</sup> For example, how the creation and location of power may be directed by what is considered 'truth' in that time and place, and what may be considered truth is 'validated' as such by the dominant power in that time and place.

opportunities in my explorations of the impact of regulatory codes of conduct on teacher-pupil relating. His thinking recognises the dangers of marginalisation within the work of dominant discourses, which has significant implications for the ethical self-constitution of teachers (how we create ourselves as ethical subjects) that I would argue is necessary for us to be empowered and active professionals ready for the trust of our differing communities.

A formative concern for my research was a frustration at the almost unchallengeable (and singular – though vague) ‘truth’ behind the constitution of ‘appropriate professional boundaries’; Beck (2008, p119) refers to the Master Narrative of Government Discourse as attempting “to silence debate about competing conceptions of what it might be to be a professional or to act professionally”. How, why and by whom, was universal meaning to be attributed to a variety of acts and settings within the confines of regulated propriety such that wider interpretations could not even be considered? Was it necessary to attribute absolute interpretations to behaviours in order that professionals might be regulated at a behavioural level and sanctioned at the point at which their behaviour was identified as potential professional misconduct? It seemed that there were more constructive options in supporting professionalism; Options that would allow teachers to explore the ethical considerations of a range of behaviours and develop their actions accordingly, so that they might become professionally responsible at an individual level, not just as a profession.

Theoretically, I have found Foucault’s approach to the analysis of discourse helpful in investigating how the ‘professional’ element of such expectations of teachers has created its own ‘truth’ (Ball, 2013) rather than allowing teachers as professionals to create their own ethical professionalism. Whilst I recognise Foucault’s aversion to being formalised in approach, I found useful Thomson’s synopsis of what might be considered a Foucauldian ‘method’ (Thomson, 2011 – Appendix 4). I referred to this as a constant question base when considering the function of discourse.

The main areas of Foucault's work on which I have stated I shall be drawing (power, discipline, truth and the self) fall within what he refers to as theoretical displacements that are inter-related through shifting mutual constitution (Ball, 2013, p27). These inter-relations are those argued in the literature (and seen in the data) relevant to this thesis. What I understand by Foucault's use of 'displacements' is a heuristic that pulls together the layers of effect in three key domains. Ball identifies these domains (as he sees them in Foucault's work) as Knowledge, Domination and Individuals (*op cit*). 'Games of Truth' are located within the domain of knowledge. They offer us a framework for an ongoing evaluation of whether, when and by whom the object of a truth claim might be knowable; known; claimed as knowledge only on the basis of power; or claimed as truth on the basis of consistency with rules and procedures. Recognition of 'Games of Truth' allows us to trouble the authority of official discourse and understand that voices may be silenced by that discourse not because they are 'wrong' but because they do not fit that discourse; a significant difference when that discourse (as in regulating teacher conduct) wields moral judgement.

From an early stage in the research, it appeared that this requirement to 'fit' the official discourse was apparent in patterns of teacher response to particular instances of teacher-student relating that led to accusations of misconduct. When comparing these responses, it seemed there were more approved or more inflammatory patterns of response - none of which appeared to lend themselves to regulation through a basis in a singular 'truth' located in the visible behaviours for which misconduct referrals had been made. This meant that 'Games of Truth' appealed as a heuristic opportunity, as what did seem visible through these responses was a system of rules to which, if you adhered, you could progress in the 'game'. I am using 'Games of Truth' to question "the rules by which truth is produced" (Foucault, 1997, p297) within professional codes and regulation because within this 'game' "it is a set of procedures ... and rules of procedures" (*op cit*) that lead to the evaluation of teachers' behaviour as professional, unprofessional or



professional misconduct, rather than any inherent value (or truth) in the behaviour itself.

It could be considered that the extreme surveillance and worst-first stance of several key voices explored in the literature constitutes a single 'truth' of what it means to be a professional teacher. This would be a teacher formulated only on regulatory frameworks rather than on those dispositions commonly agreed by teachers, students, parents and regulators to be desirable in a teacher (Hutchings, 2014). The role of the teacher is complex and human, and I would therefore wish to question the origins of any claim to such a singular 'truth'.

Foucault's preference for "truth games, rather than an analytic philosophy of truth" (Besley and Peters, 2007, p56) seems to endorse such questioning. I wanted the Foucauldian start point "from the decision that universals do not exist" (Ball, 2013, p9). Post-structural theoretical approaches therefore appeal as I share their "eschewing of claims to objectivity and truth" (Graham, 2011, p665). I oppose the binary constructs of 'professional' or 'unprofessional' that do not acknowledge the complexity of (in this instance) teaching relationships. When, why and how did these constructs become so morally loaded within the governing discourse? The heuristic of the 'Games of Truth' displacement facilitates a constant unsettling around these questions.

Within a truth game, "so long as one follows the chain of reasoning *on its own terms* then the conclusions reached are logical, unavoidable and inescapable" (Wilson, 2013, p50). If we consider regulatory codes of conduct as a truth game, with judgements of misconduct as fixed and inescapable, we need to acknowledge that the actual lived experience and daily practice of being a teacher is not so clear cut. If the conclusions of our regulatory codes are to be so unavoidable, and still function with any utility, this requires a system of regulation that clarifies and specifies the principles by which professional conduct would be evaluated, rather than enforcing that inescapability at a level of specific behaviours. Prescribing and proscribing particular behaviours

would not be useful as the same behaviour in different circumstances might be both inside and outside of the rules of procedure, depending on the context. It is as if the way we currently sanction 'misconduct' falls outside of the rules of procedures of the 'Game of Truth' for professional conduct; using an apparently different set of rules to produce 'truth' once a concern has been accepted as such by the NCTL panel. Foucault is clear that "games can be very numerous" (1997, p300); what are the implications for living on the fault lines between the 'Game of Truth' for teachers' professional conduct and the different 'game' for misconduct regulation? Perhaps it is this fault line between two games of truth that constructs the 'grey area' (explored in the literature) in the propriety of teachers' conduct.

This links to 'Performativity' in that the 'rules of engagement' are driven by what is externally visible (and verifiable) rather than by what each participant individual constructs as the truth or intent behind any given behaviour.

Teachers need to be seen in all transparency to be operating within the rules of procedure for professional conduct, or a different set of rules (those for misconduct) will be applied. The rules and procedures for the truth game of misconduct are more specific than those for that of professional conduct, which might support the engagement of teachers' organisations (such as OECTA) in 'worst-first thinking' (Piper, Garratt and Taylor, 2012) 'just in case' misconduct might be suspected and those more rigid judgements applied. That teachers' behaviour is enacted on the fault lines of these two games creates a paradox regarding the active role of context, in that what context might require for professional conduct in one truth game might be evaluated as professional misconduct under the more proscriptive rules and procedures of the other truth game. A desire to operate under the rules and procedures of the former truth game would therefore encourage an almost caricatured performance of 'professional conduct' to avoid the slightest hint of misconduct and the more uniform and penalising judgements of that 'game'.

Ball defines Performativity as a 'policy technology' where "we are required to spend increasing amounts of our time in making ourselves accountable,

reporting on what we do rather than doing it” (2012, p19). In this sense, we are reporting and making visible our practice at the expense of social relationships (*op cit*) – distancing ourselves from our students in order to focus on performing the ‘professional teacher’. Ball (2003) is concerned that opacity rather than transparency is the result of Performativity, and distance and opacity are surely detrimental to the development of any relationship, including the pedagogical. Performativity serves to reduce space for personal beliefs and commitments through its focus on judgement, display and sanctions (Ball, 2003), reducing teachers to “making a spectacle of ourselves” and requiring skilled self presentation and inflation (*op cit*) in order to survive the rigours of accountability operating within a blame culture of low trust (Avis, 2005, p212).

This climate of low trust is relevant to Besley and Peters’ (2007, p12) perception of Games of truth as being almost Socratic in the primacy of their internal consistency. By this they refer to the value attributed to (and respect earned) by Socrates for behaving in accordance with his stated values and beliefs – which matters because consistency between words and behaviour earns the trust that is such a central part of the ‘teachers-as-professionals’ debate.

I particularly use Foucault’s Games of Truth rather than ‘regimes of truth’ because of the greater emphasis on the agency of the subject in the former (Peters, 2004, p55). Foucault (1997) saw Games of Truth as opportunities for ethical self-constitution; rules and procedures through which we might achieve agency as self-constituted subjects. This aspect of truth games directly complements Sachs’ ‘Active Professionalism’<sup>2</sup>. My suggested way of using Active Professionalism may not be rigorously contesting taken for granted assumptions, because working within the national top-level code of

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<sup>2</sup> Outlined in the literature review – p67

conduct is essentially playing the relevant game of truth (within those assumptions) to best advantage (Peters, 2004, p57). However, it would be an ethical social practice engaged in to facilitate the self-constitution of teachers as ethical subjects (Besley and Peters, 2007, p11). As such, my suggested use of 'Active Professionalism' might be closely aligned with Foucault's view of how games of truth might be used by self-constituting subjects in order to acquire agency.

There are additional consistencies between these initial 'conceptual toolbox' combinations. The 'grass-roots' element to Foucault's thinking (Downing, 2008, p4) is a characteristic shared with 'Active Professionalism' and fundamental to its initiation from the standpoint and location of practicing individual professionals. Drawing on Performativity also adds cohesion to my conceptual mix, as Ball regularly and prominently draws on Foucault to challenge Performativity and the impact of its pressures on pedagogy. In considering these Performative pressures, 'Active Professionalism' has already previously been considered to offer opportunities to progress beyond Performativity (Avis, 2005).

To further complement my initial conceptual toolbox, I am also informed by Standpoint theory (which I appreciate for its genealogical acknowledgement of the 'ontological' and epistemological significance of location/context). The situated knowledge thesis is a central aspect of Standpoint theory (Intemann, 2010) and holds that our social location plays an active part in constructing our knowledge. Intemann also claims a methodological thesis where research involving any particular group should begin with the lives and experiences of that group, starting from their perspective. These characteristics of Standpoint theory seem both to recognise the active role of context as relevant to evaluating the propriety of teacher-student interactions and support my use of a practitioner narrative as central to this thesis. Furthermore, the critical, conscious and ongoing reflection required to establish a standpoint parallels the process required by Foucault of an individual in order to achieve ethical self-constitution. The 'critical consciousness' of a standpoint (Intemann, 2010)

is also the necessary starting point and evolutionary origin for 'Active Professionalism'. Standpoint theory stems from a concern for marginalised groups (Bowell, 2011) and Sachs considers that Active Professionalism is necessary to empower teachers as professionals (and avoid marginalisation of professional autonomy within a context of Performativity) – thus gaining the agency Foucault presents as achievable through ethical self-constitution within the procedures of 'Games of Truth'. A key difference would be that "a standpoint is an achieved collective identity or consciousness" (Bowell, np) whereas the aspects of Foucault on which I draw relate to individual subjects. However, 'Active Professionalism' might function to bridge that difference in my combined deployment, because arguably it is the self-constitution of individual professional subjects via. an ethos and approach of Active Professionalism that will facilitate the critical consciousness of teachers as a collective and therefore an empowering practitioner standpoint.

This thesis draws on three main sources for data. At the broadest level, I analyse the 200 conduct panel records generated and made available online between May 1<sup>st</sup> 2012 (immediately post-GTCE) and January 31<sup>st</sup> 2014. This secondary data provides a national context for my second level of exploration: primary data from a whole-staff In-service training (INSET) (n=59) exploring understandings of what constitutes 'appropriate teacher-student boundaries'. Finally, as central to this thesis, I concentrate on the narrative of one practitioner ('Ruth') whose practice context matches that of my second level. This allows me to explore the points of connection (or disconnection) between each of these key levels as regards professional conduct in relation to appropriate boundaries. The central narrative is also of particular significance methodologically in relation to Foucault's 'truth-telling', which I, like Peters (2004), have used in conjunction with the notion of Games of Truth. Of these data sources, the practitioner narrative was obtained first, hence informing the selection of local context at level two.

Peters (2004, p54) locates Foucault within a Critical History of thought wherein the conditions under which a subject might be constituted were key. This influenced my decision to ‘nest’ Ruth’s narrative within layers of (multi-directional) constituting context, and explore it accordingly. Ruth’s narrative is central to these layers of context, specifically informing the selection of corresponding national and local contexts for illustrative and informative focus. The arrows in figure 1 are intended to illustrate this start point, although not to erase the multidirectional constitution (referred to above) between these layers. Similarly, Foucault’s belief that “confessional practices ... provide us with an interface between the public and personal domains” (Besley and Peters, 2007, p31) captures the interface I hope Ruth’s narrative will offer across these layers as well as illustrating part of her process of self-constitution in reviewing and making a sense of her past. Her narrative demonstrates Foucault’s link between ethics and truth games in its “discursive production of truths about the self” (*op cit*, p55). Besley and Peters (*op cit*) refer to this point of connection as one where “the stakes could not be higher: self-survival, self-assertion (in the original sense), self-mastery ... [linking] the ethical constitution of the self to the practice of freedom through the pursuit of truth”. The high stakes of this process within the context of an already sensitive topic continually informed ethical considerations throughout each step of this thesis.

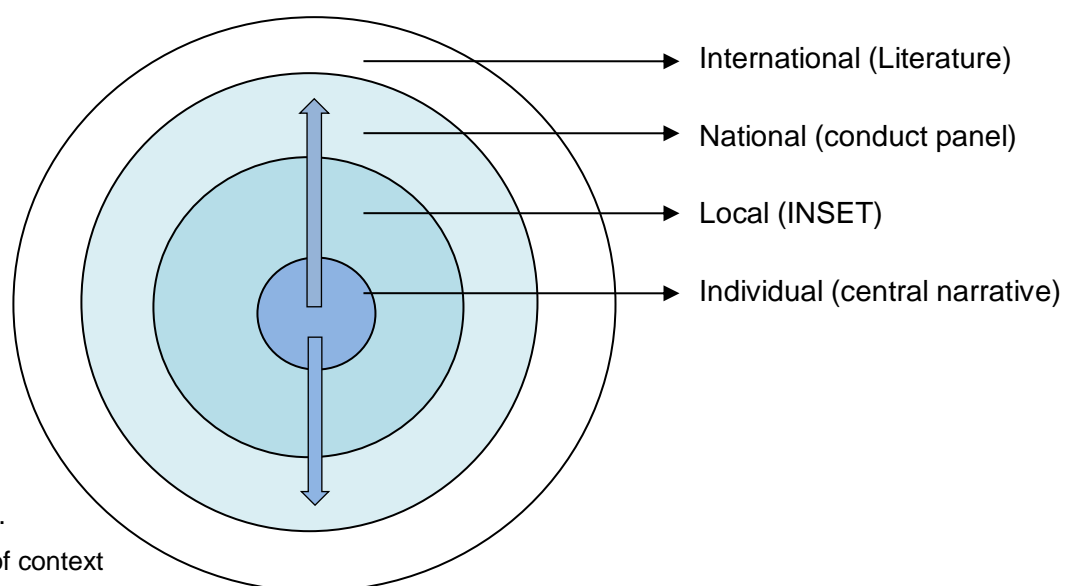


Figure 1.  
Layers of context

Access to the central narrator and local context was through convenience sampling. The distortion effect of a dominant narrative interlinked with moral panic on perceptions and understandings of potentially all adult-child interactions (Sikes and Piper, 2010), and the risks for teachers and researchers of even being associated with this topic (*op cit*, Piper and Sikes, 2010b, Hutchings, 2014), increases the ethical complexities of research into teacher-student boundaries. Convenience sampling allowed me access to a richness of experience that may otherwise have been unavailable. Part of this access was facilitated by discussions I had shared over the years, with multiple friends and colleagues, relating to boundary dilemmas, and prior to even commencing doctoral study. This meant that my own historic self-disclosure to my central narrator (and hers to me) are likely to have informed the rapport that was part of our researcher and research participant roles. “There is no correct or optimal relationship” between researcher and participant (Karnieli-Miller, Strier and Pessach, 2009, p280). However, my prior relationship with the central narrator is likely to have been a reason for her co-operation and the ways in which she co-operated. Karnieli-Miller, Strier and Pessach (2009, p281) suggest that a participant might co-operate based on “the degree of their need to express themselves and be heard on the subject of the research ... [as well as] their willingness to help the researcher”. Whilst our rapport, empathy and friendship is likely to have increased the quantity and quality of the data, it could “also accentuate the participants’ vulnerability ... [and] raises ethical problems if the researcher collects data that the participants did not want to share with the public” (*op cit*, p283).

This ethical complexity influenced my selection of method in capturing Ruth’s narrative. It also informed the ways in which I subsequently handled that narrative. Karnieli-Miller, Strier and Pessach specifically look at power relations in qualitative research, and argue that “the researchers’ important role in the analysis of data and their skills do not grant them supremacy in any way, or the right to form a judgemental analysis” (2009, p286). Part of their

guidance in this respect includes the requirement that “researchers must not distort the meaning of the participants’ voices” (*op cit*, p285). In some ways, this was particularly challenging in the context of my research, where I was specifically considering how meaning was fluid and subjectively constituted in conjunction with a range of contextual factors. In other ways, because I have explicitly explored the implications of these multiple meanings and explicitly challenged notions of singular ‘truth’, I give no more universal authenticity to one meaning than another. I am not trying to analyse Ruth’s behaviours in order to judge their propriety, but to show they may be multiply presented and interpreted. In her own narrative, Ruth identifies and questions herself the various meanings of her behaviours. However, this is not quite the same as questioning the meaning of her ‘voice’, as presented in this narrative at the point of hindsight. Such considerations might include the ways in which she might have been positioning herself through the voice she chose to use in her narrative (and even through what she chose to share). These considerations are returned to, in section 6, in discussion of Ruth’s narrative.

Ethical complexities continue further in relation to issues of validity and trustworthiness. Much of the literature exploring the evaluation of qualitative research uses Lincoln and Guba’s criteria for naturalistic research (1985) as a start point, drawing also on their subsequently added fifth criteria relating to the empowerment of action (what Lather (1986) refers to as ‘catalytic validity’). Morrow (2005) draws on Lincoln’s (1995) ‘Intrinsic authenticity criteria’ as relevant for trustworthiness in constructivist research, to arrive at four focal areas: Fairness, ontological authenticity, educative authenticity and catalytic authenticity. ‘Fairness’ requires that different constructions should be solicited and honoured, which I have sought to do through engaging critical reviewers in relation to my central narrative and which the school-level activity was explicitly designed to solicit in relation to the definition and application of agreed professionally appropriate boundaries. ‘Ontological authenticity’ requires conscious support for the improvement, maturation, expansion and elaboration of participants’ individual constructions. Ruth’s narrative



developed over several stages, from historical pre-research-structured conversations through to initial first-person written recollections. These led to discussion between Ruth-as-participant and myself as researcher that prompted expansion and elaboration on particular shared instances <sup>3</sup>, and supported further elaboration and recall through suggestions of prompt material (such as referring to emails from the time). Stages of recall also facilitated maturation, as did distance from the events recounted gained through time and through Ruth's re-working the narrative into the third person at my suggestion.<sup>4</sup> Ontological authenticity is also a feature of the engagement of the four critical reviewers, in the two stages of their feedback process that encourages them to engage with each other's feedback as well as directly with the narrative. This opportunity for expansion and elaboration resulted in particularly interesting developments and directional shifts in response from several critical reviewers, which are explored in section 6. 'Educative authenticity' "requires that participants' understandings of and appreciation for the constructions of others be enhanced" (Morrow, 2005, p252-253), which was the central focus of my whole-staff activity from which stems the local context data (section 4). Arguably, the opportunities I have taken to share and discuss my research at conferences, seminars and CPD events also serves to enhance and explore the constructions of others in relation to the construction of appropriate professional boundaries. Finally, 'Catalytic authenticity' refers to a requirement that research should stimulate action. The main proposal of this thesis is to support Active Professionalism via. Local, community-based action in the creation of context-responsive understandings of propriety. My pursuit of opportunities for teachers' ethical self-constitution also extends to practice in initial teacher training and CPD, with recommendations for action in these areas.

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<sup>3</sup> See footnotes in section 5 for specific examples of such prompts.

<sup>4</sup> These stages also need to be considered from the perspective of positioning, since each stage arguably offers additional opportunities for re-positioning to adjust to shifting contexts.

To increase rigour, I would seek to challenge my claims to trustworthiness by considering concerns Lather (1986, p70) expresses (from the stance of a critical ethnographer) that might be relevant to one layer of my data. With regard to Ruth's narrative, if I were seen to limit "analysis to the actor's perceptions of their situations ... [this might] reify interpretive procedures and reduce research to a collection of functionalist subjective accounts that obscure the workings of false consciousness and ideological mystification." I would suggest that such concerns should be seen in relation to how I actually use this central narrative, because they may be relevant to reflexivity as regards my use of this narrative. It would be possible to explore the topic of teacher-student relating from a psycho-analytic perspective; to actively embrace the implications of (and literature on) the role of transference and counter-transference at every stage of a narrative from narrator to reader. Had I taken this approach, I would have needed to have handled the central narrative and my relation to it as researcher very differently. However, my explicit focus has been on that which can be seen and how this may be variously interpreted and re-presented. By definition, transference and counter-transference act in the realm of the unconscious and psycho-analysis refers to that which is unseen. They also suggest that there is a singular truth to be uncovered – a stance which runs contrary to my (previously explained) conceptual framework. I would therefore respectfully acknowledge the possibility that others may take this approach, whilst confirming that I, in this study, do not.

However, reflexivity is a critical element of validity that includes being "attuned ... to the way in which the research account is constructed" (Berger, 2013, p3). Suggested strategies for enhancing reflexivity include consultation by the researcher with a research team or peer de-briefers (Morrow, 2005). This was a strategy I used when engaging four critical reviewers (anonymous to each other) who were asked for their feedback on the central narrative. The reviewers were asked to take a particular focus on the theme of action vs intention because this appeared as a common thread across the literature

and each layer of context. As a second stage, each reviewer was then asked to read the comments of the other reviewers and respond to these. This offered an opportunity to add critical depth to exploring the central narrative, as well as looking for any correspondence between the responses of the critical reviewers and themes in the literature and national context. The reviewers did not read the literature review, nor were the themes from the literature discussed with them, in order that the literature should not unduly influence their response to the narrative. These critical reviewer responses are discussed in section 6.

With hindsight, there may have been an unintentional effect (that is important to note) deriving from the order in which I worked from gaining Ruth's narrative to garnering feedback from the critical reviewers. Finlay (2006) refers to research into the life stories of people with disabilities that sought to encourage and empower the participation of those young people by constantly collaborating with them in the expression of their stories. However, because their collaboration ended at the point at which their stories were complete, with the analysis and final draft taking place after their involvement had ended, questions were raised about whose voices were ultimately privileged, as well as the extent to which the young people were represented in the research. Such concerns may have relevance in the context of this thesis, Ruth's narrative and the four critical reviewers. By not offering Ruth any access or response to the comments of the critical reviewers, essentially, the voices of the critical reviewers are those that are privileged. So, rather than empowering the voice of the practitioner I may have actually privileged the collegiate voice over Ruth's. Whilst unintentional, this may hold some advantages: Porter (2009) is wary that a partial confiding in a friend or colleague of behaviour felt by the actor to be inappropriate may serve as tacit (or unknowing) endorsement of further boundary crossing. If my thesis were read as privileging Ruth's voice, might it also be read as such tacit endorsement? And might, therefore, this privileging of the collegiate critical voice over Ruth's thus serve to mitigate such concerns? I did seek to achieve

this privileging of the critical reviewers voices over my own, in response to the central narrative, because of my pre-existing relationship with the narrator, but it is also possible that these further advantages might be noteworthy.

This sense of perspective that their input brings is also beneficial from the perspective of researcher standpoint, which is important for me to acknowledge and consider in its influence (Ryan-Flood and Gill, 2010).

Because my own educational experiences have much in common with Ruth's, and because we knew each other (and had discussed a range of similar experiences) prior to the research, I was conscious that this had implications for my response to her narrative; perhaps I might be overly sympathetic or overly harsh. This was one reason (of several) for including Ruth's narrative in its entirety, rather than any personal connection influencing my selection of particular moments. Where particular moments or themes are explored in more detail in section six, the reason for each selection is stated.

Acknowledging my own position in relation to this central data; sharing it in its entirety, locating it within layers of context gained through multiple methods and being led in analysis by the critical issues in the literature and responses of four distinct critical reviewers across two levels of feedback is intended to enhance the credibility of my use of this narrative. This does not preclude differing interpretations on the part of any reader, although strives for an outcome where "readers see what the researcher saw even if they disagree with the conclusions drawn by the researcher" (Finlay, 2006, p322).

Barthes' observation that the unity of a text is in its destination rather than its origin (Barthes, 1977 as cited in Graham, 2011) is important in relation to the reader reception of this central narrative in the context of his claims on the death of the author; we can seek and present unity in multiple ways from the same history depending on our purpose. Ruth was particularly asked to select moments she saw as relevant to her concerns about appropriate boundaries. "Narrative truth involves a constructed account of experience, not a factual record of what really happened" (Josselson, 2011, p225). If the resulting narrative were then read with a different purpose in mind (e.g. to evaluate her

teaching practice and conduct as a whole) it would not be Ruth's truth for this different purpose and its constitutive effects would create a teacher of concern (within the regulatory discourse). This would be due to considering a specific selection of experiences for a purpose different from those for which they had been selected, if it were seen as representative of the full scope of her practice. However, if it were read in the context of Ruth's demanding reflexivity and concerns for 'right intent' in this particular aspect of her practice, it might constitute an ethically responsible adult demonstrating an essential aspect of self-care (Ball and Olmedo, 2013). This has implications for the vulnerability of research participants who share openly such narratives, and therefore for the ethical implications of how we might use such narratives in research. Sikes and Piper (2010) commend composite narratives which would guard against much of this vulnerability. However, the richness of Ruth's narrative lies in the patterns of her extended experience that would be lost (or disguised beyond recognition) by any suggestion of a composite narrative. We would also lose the illustration of the process of self-mastery her complete narrative offers. I share Josselson's belief that narrative research offers something uniquely holistic because (in addition to considering the process of self-mastery) I was interested in the unifying themes and the disparate voices (2011, p226) across Ruth's narrative and between Ruth's narrative and the broader layers of context.

Not only is reading a narrative at cross-purposes to the author's intent problematic, so is ontological difference if not seen via. the Foucauldian 'replacement' of genealogy, where context interacts radically with all questions of ontology (Besley and Peters, 2007, p26). I am comfortable with Ruth sharing her experience as student of her teacher (Jack) because I see it as her experience (her retrospective 'truth') rather than an objective single immutable truth. However, ethically, I do have concerns that readers whose ontological stance differs from mine (and who do therefore see Ruth's narrative as detailing an objective truth) might condemn Jack on that basis, when he is not aware this story is even being shared. In addition to the

changing of recognisable details across Ruth's narrative, I have tried to further insulate Jack because of his vulnerability without consent in this narrative. It is Ruth's narrative to share, and emphasising the constructed, individual and retrospective nature of that narrative within a very different legislative and regulatory context from today is intended to balance the facilitation of her narrative voice whilst also (in conjunction with Ruth's intent) protecting Jack.

Drawing attention to specific publically available sources (conduct panel records) where partial teachers' narratives were essentially available without their consent, was discomforting. Even though I have changed the names of the three teachers whose cases were heard by the NCTL and whose cases I consider in more detail, I did want to directly quote the published records. As a result, even though I have intentionally not referenced the specific conduct panel records in these cases, should a reader wish to identify the actual names of these teachers, an online search of those direct quotes will bring up the relevant pdf record made available by the NCTL. I chose to quote directly despite these considerations because of the analytical value of the specific ways in which the panel responded to these teachers and their already public availability.

The school on whose whole-staff activity I draw in section four fully consented to the data gained from this session being used for publication and for this thesis. The content and focus of my thesis was explained to the event organiser (in advance) and the individual participants (on the day, prior to their optional participation). The school has not been identified in name, location, or any other way that might make it identifiable; neither have any individual participants.

For Ruth's narrative, the first version was written in the first-person without any changing of names or identifying details. Ruth re-wrote her narrative in the third-person in response to the suggestion that this might make it more

comfortable for her to engage with moments of discomfort in the narrative, and (in this same process) all names, locations and as many non-critical identifying characteristics as possible were changed. On reflection with Ruth, considering a potentially wider audience made possible through online thesis publication, some focus on areas of particular personal sensitivity was reduced, though retained. This joint reflection and revision addresses the BERA guidelines (2011) for review of any “unexpected detriment to participants” (p7) resulting from this organisational change part-way through the doctoral program. Although this was only potential detriment and may not necessarily have been detrimental, because Ruth’s narrative reveals much that might be considered sensitive and open to harsh value judgement, for additional participant comfort and respect, a five-year embargo for online publication was applied for from the university and granted.

In writing of her time at Beechwood, Ruth asked Ben to identify any particular events or moments from their relating he recalled. This request was to ensure that Ruth did not omit any of the events Ben identified as key from her narrative. The intention was to check that Ruth did not self-censor any instances about which she felt uncomfortable but which had been memorable for Ben. Ben was fully aware that Ruth was writing her narrative and that it would be used (with details anonymised) for this thesis, exploring boundaries in teacher-student relationships.

From the very start of the research process, and throughout, ethical considerations have been at the forefront. Prior to commencing any fieldwork, all necessary clearances and approvals were obtained. Beyond this, I have taken every care to balance the principles of democratic values and respect for the person (BERA, 2011) in considering Ruth’s ownership of her own narrative balanced with respect for others who feature in her narrative (as explored above). I have taken great care to ensure that all participants fully understand my research process and how their contributions may be used, as well as being assured of their right to withdraw their participation and given

the opportunity to agree (in Ruth's case) how their contribution might be presented (*op cit*). I have been very aware of my responsibilities to the wider education community throughout this process and in the sharing of my conclusions. Conference opportunities have allowed me to continually locate and share my concerns and suggestions within a practical, public, and professional context. Including Ruth's narrative in full, rather than selected extracts, both offers a richer picture and attempts to avoid "distorting findings by selectively ... [sharing] ... some aspects and not others" (BERA, 2011, p10). Additional ethical endeavours of specific relevance to the conduct panel analyses and whole-staff boundary exploration are referred to in sections three and four, respectively.

In seeking to trouble assumed agreement around what constitutes 'appropriate professional boundaries' and whether such a definition could ever be universally 'true', it is important to note that I am not suggesting that my data forms "*evidence of that which is real*" (Davies and Gannon, 2011, p312) any more than I would accept that there is a universal truth of 'real' propriety. My objective in this regard is "*to trouble that which is taken as stable/ unquestionable truth*" (*op cit*, p314) to open up a space for progressive dissent.



### **Section three: Conduct panel analysis – methods and message**

This section presents an analysis of the 200 conduct panel records generated and made available online between May 1<sup>st</sup> 2012 (immediately post-GTCE) and January 31<sup>st</sup> 2014.

Records were downloaded from the DfE website as they were made available, and read multiple times (at the point of initial download, intermittently to keep details in mind, and at least twice more when entering key details into Excel) to ensure all potentially pertinent details were noticed and noted.

It was usual for cases to contain multiple types of misconduct. Consequently, for each of the 200 cases available, it was necessary to break down the misconduct allegation into its constituent types of misconduct. To make this task manageable, recording of misconduct sub-types was limited to three per person. It is noted that there were a very small number of cases where the range of misconduct was so broad as to exceed three sub-types, and in these cases the most serious misconduct informed the 'type' recorded for analysis.

The following misconduct sub-types were identified and used for analysis:

TPBC	Teacher-pupil boundaries: too close
TPBV	Teacher-pupil boundaries: violent or aggressive
RO	Conviction or caution for relevant offence
FDM	Financial dishonesty or mismanagement
DA	Dishonesty - Assessment
DD	Dishonesty – falsifying data other than assessment
DS	Dishonesty – sick claim
DN	Dishonesty – non-disclosure of offence or interests
DCV	Dishonesty re. c.v., achievements or contract

IA	Inappropriate images
F	Favouring friends/ relatives/ own business interests
B	Bullying, harassment or impropriety with colleagues
PI	Policy infringement (including disregarding Management instruction)
UN	Unsafe or negligent re. management of CP/safeguarding
OR	Offensive comments about Race or Religion
D	Drunk in work
ICNP	Inappropriate with child not a pupil
IP	Inappropriate towards parent/s
IN	Incompetence

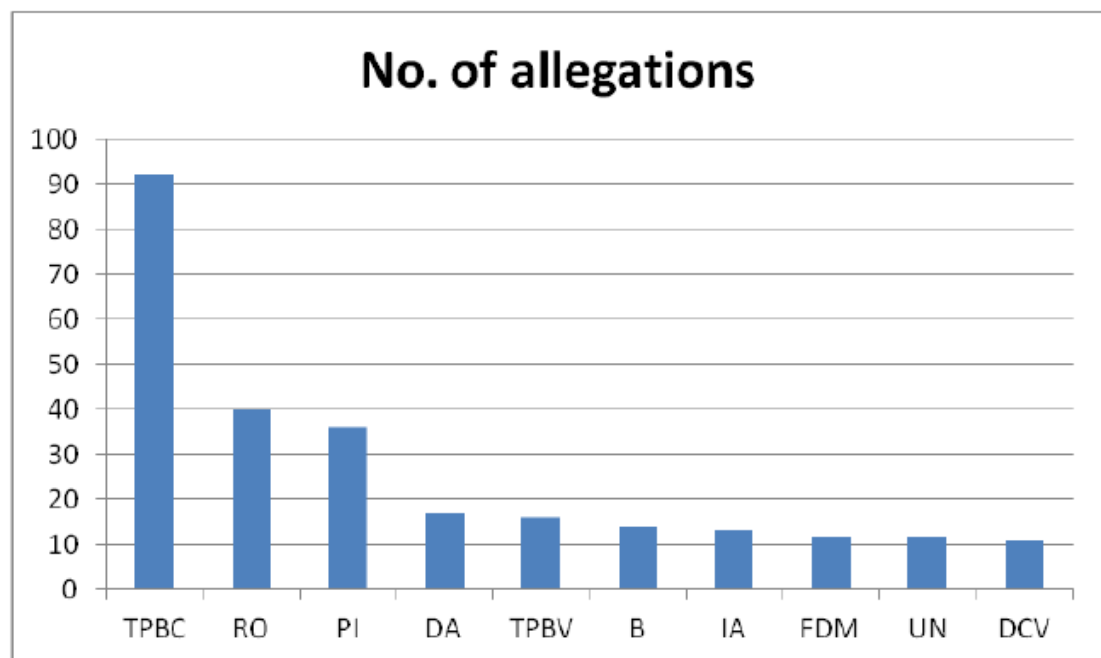


Figure 2: 'Top ten' sub-types of misconduct (making up 88% of total)

The three most frequently occurring types of misconduct account for 56% of the misconduct types alleged in the 200 total records available during this period. Of these, at 31%, Teacher-pupil boundaries - too close (TPBC) is by

far the most frequent. Of the 200 panel records, 140 include the three most frequently occurring misconduct types. This equates to 70%.

Because the available panel records do not reflect all cases considered (only all those prohibited or those cleared who choose to have the record published) it may be more accurate to consider percentages of misconduct types only of those prohibited. 161 of the total 200 records were prohibitions. Of those 161, the three most frequently occurring misconduct types remained Teacher-pupil boundaries - too close (TPBC) (33%), Relevant offences (RO) (15%) and Policy infringement (PI) (13%); accounting for 61% of total misconduct types where the teacher was prohibited. There were three cases where RO was a misconduct type but no prohibition resulted. Two of these related to cautions for inappropriate images - Tony Smith (Manga cartoons) and Geoffrey Bettley (child photos) - the case of the latter led to public outrage and was followed by a change in the severity with which any possession of images considered indecent would be viewed. Possession of indecent images is now upgraded to constitute a 'serious sexual offence', which means it is now likely to result in automatic prohibition.<sup>5</sup>

### **Gender:**

Of the 161 teachers prohibited between May 2012 and January 2014, 74% were male and 26% were female. This gender split is in almost inverse proportion to the gender profile of teaching staff across the state sector<sup>6</sup> (DfE, 2013), illustrating the statistical over-representation of male teachers in misconduct referrals. This is consistent with the gender split found by Page (2012) in his analysis of GTCE panel records between November 2009 and August 2011.

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<sup>5</sup> The third was a conviction for assisting illegal immigration relating to a mother trying to obtain a passport for her young child.

<sup>6</sup> The school workforce statistics on teachers in publicly funded schools state 27% are male and 73% are female.

### State vs Private:

Drawing on data from the school workforce statistics (DfE, 2013) and the Independent schools council census (2013) showed an exact match of prohibition percentages to total teachers by sector. 94% of teachers prohibited had been working in the state sector, and 94% of all teachers were employed in the state sector.<sup>7</sup> This indicates that neither sector is over or under represented in misconduct referrals.

### Teacher-pupil boundaries – too close (TPBC):

Records relating to this misconduct sub-type were then analysed more closely.

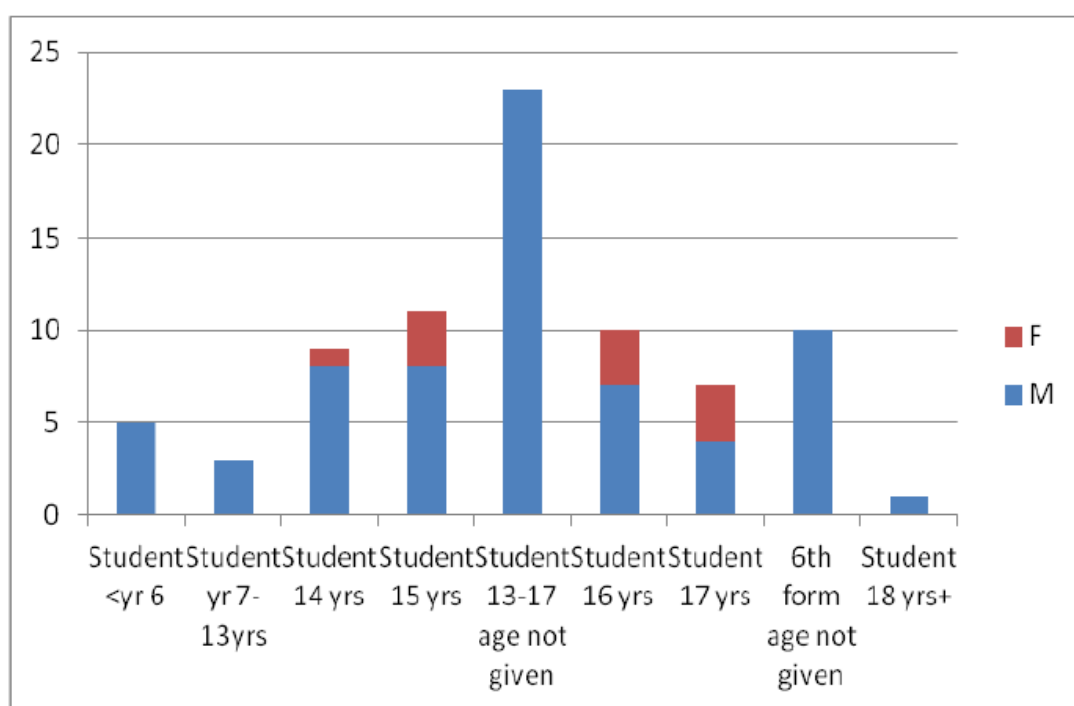


Figure 3: Age of student and teacher gender in cases of TPBC leading to prohibition

<sup>7</sup> It is important to note that the school workforce statistics refer to FTE and are not an actual headcount of all teachers. Additionally, they only show qualified teachers and do not include agency staff/supply teachers. The ISC statistics only reflect ISC members – which includes most, but not all, Independent schools.

At least 90% of cases leading to prohibition for TPBC involved students of secondary school age. At least 23% involved students who were above the age of consent.<sup>8</sup>

In every instance where an allegation or prohibition for Teacher-pupil boundaries - too close (TPBC) relates to a female teacher, the age of the student is given. This is not always the case in relation to male teachers' records.

As a potential indicator of severity (should they co-occur) misconduct sub-types of TPBC and Relevant offences (RO) were cross-referenced in cases of prohibition.

<b>TPBC with RO</b>	<b>M</b>	<b>F</b>
Both TPBC and RO	6	4
<i>RO linked to TPBC</i>	6	3
TPBC but no RO	63	6

The large gap between the numbers of linked relevant offences and those prohibited for Teacher-pupil boundaries - too close (TPBC) indicates that the level of severity in the vast majority of these cases is below criminal caution.

Looking at the individual cases shows that where a female teacher's TPBC was linked to relevant offences, the students involved were aged 16, 17 and 17. Where a Male teacher's TPBC was linked to relevant offences, the students were younger: aged 13-17. It was also notable that in each of the cases involving female teachers, the interaction was more relational - with claims of mutual consent. In each case, the relevant offence for the female

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<sup>8</sup> The actual figure is likely to be higher, but in 29% of prohibition cases for TPBC student ages were only indicated as being between 13-17 years; so these cases have not been included in the 23%.

teachers was a caution rather than a conviction. Only two of the Male relevant offences were cautions - the other four were convictions.<sup>9</sup>

### **Teacher age:**

There was no marked difference in age between male and female teachers who were prohibited for Teacher-pupil boundaries - too close (TPBC) (with regard to the age of that teacher when the behaviour that led to prohibition took place). The average age for such a male teacher was 38. The average age for such a female teacher was 33. However, the age range during which such behaviours might occur was wide for both genders; 23-64 for men and 24-57 for women.

### **Selected cases of specific interest:**

Three cases were selected for specific focus because of their relevance to the central narrative of this thesis (section five). These three records were the only records available of female teachers referred for Teacher-pupil boundaries - too close with a student of 17 years or older, from amongst my sample of 200. These include two female teachers prohibited for Teacher-pupil boundaries - too close (TPBC) with a 17 yr old student, and the one female teacher against whom allegations of TPBC were made from which no prohibition resulted. The third case (Linnet) is of particular relevance to the central narrative of this thesis because there is no suggestion of sexual contact between teacher and student in either narrative; both narratives involve 17 yr old male students and are based in Independent boarding settings.<sup>10</sup>

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<sup>9</sup> 73% of those prohibited with RO were not prohibited for misconduct linked to TPBC – there was a range of offences

<sup>10</sup> Fictitious names have been used in referring to these cases. Although these names are already available publicly, following Page's example (2014), I did not wish to draw any additional punitive interest to these cases.

Name	Age at action	Subject	Sector	Allegations
Dawson	30	PE	State	Inappropriate relationship with 17 yr old male student, leading to caution for sexual activity with male 13-17 abuse of position of trust
Carling	25-27	Music	State	Concealed inappropriate relationship with a year 13 male student - police caution for sexual act with male 13-17 yrs
Linnet	29-30	Economics	Independent	Inappropriate relationship with male 17 yr old student - facebook, emails, texts, running together (not claimed sexual)

Each of these three cases received a different response. Linnet was not sanctioned. Dawson is allowed to appeal her prohibition after two years (the minimum sanction the panel can apply). Carling may never appeal her prohibition.

### **Carling:**

A significant part of the allegations against Carling was that she “deliberately concealed” the relationship between herself and her year 13 student (TA, 2012, p1) and that she “denied the alleged facts and that they amounted to unacceptable professional conduct” (*op cit*, p2). The case had come to light through rumours circulating the school, some of which were reported to the Head. The Head met with Carling shortly after (unbeknownst to him) her relationship with Pupil A had already “become intimate” (*op cit*, p3) when she signed a letter to confirm she would adhere to the terms of her contract in her relationship with Pupil A. The Head was clear that every time he questioned Carling, “she denied emphatically that there was any relationship between herself and Pupil A” (*Op cit*, p2). After she was cautioned for sexual activity with Pupil A, Carling resigned from the school before their disciplinary procedures were concluded. She had, at that point, also been referred to the

ISA. Carling did not appear in front of the panel in person, but accepted that her relationship with her pupil was sexual and included the exchange of intimate text messages and a weekend in a hotel together. That this was “a continuing relationship” (*Op cit*, p4) that occurred during the time when Carling was denying any relationship to her Head was seen particularly negatively by the panel, with her action judged as “wilful” and a conscious choice “not to observe professional boundaries” (*Op cit*, p5) because whilst she was denying the relationship she was also continuing to develop it.

The panel stated that “In this case we have not been assisted by Ms [Carling] advancing any mitigating or personal circumstances” (*Op cit*). Nor did she “appreciate that her actions amounted to the commission of a criminal offence” (*Op cit*). By not showing this ‘appreciation’, Carling was failing to demonstrate the ‘right response’, thus presenting an “unmitigated” risk (Knoll, 2010) that may support a belief in further “harmful behaviour” (DfE, 2013h). They note that she was receiving support for her mental health at the time of this relationship, which may be seen to complement Knoll’s argument (2010) that mental illness is associated with denial of impropriety, rather than as mitigating information. Because the panel considered Carling to have made a wilful, conscious choice not to observe professional boundaries, they considered, “there is therefore a risk she will do so in the future and therefore be a continuing risk to young people” (TA, 2012, p1). Her misleading of colleagues was also described as an ‘abuse of confidence’. Finally, “the lack of insight shown by Ms [Carling]” (*Op cit*, p6) was a specified reason for the denial of opportunity to appeal for review at any stage.

#### **Dawson:**

Dawson also received a police caution for her relationship with her male 6<sup>th</sup> form student, but she received the lightest sanction the panel could have applied, and is now eligible to appeal for her prohibition to be removed – since two years have now passed since the panel hearing. Dawson and Carling’s relationships both took place and led to cautions (and misconduct



panels) in the same years. These features suggest some contextual similarities.

There were some key differences between the two cases and the way that they are described in the summary records. Where Carling denied that her relationship constituted professional misconduct, Dawson “admitted the particulars of the allegation and that those facts amounted to unacceptable professional conduct” (TA, 2012b, p2). Johnson (2008, p41) argued that teachers’ compliance with “predatory construction” once accused was associated with leniency in sentencing, and this may account for some of the difference in response to these two cases. It is also possible that time in setting played a part in how their behaviours were interpreted, since Carling had only been employed at her school for two years, whilst Dawson had been in role for seven years. Whilst no mention is made of Carling’s teaching qualities, Dawson is described as being on the upper pay scale, with a good history, involved in leading regular extra-curricular activities and having a good relationship with pupils. This does not support any assessment of Carling’s teaching qualities, or any comparison of these two teachers’ teaching qualities as differently assessed, but is significant in the absence of any referral to such qualities in Carling. It is made clear that “the matters complained of constituted an isolated incident” (*Op cit*, p4). That Carling’s relationship took place over an extended period of time and showed evidence of planning – with a weekend hotel booking – contrasts with Dawson, who appears to have had sex with her student on just one occasion in a moment she described as “completely unpremeditated” (*Op cit*). He visited her flat on two occasions (to collect essays) and the second occasion was that which led to the caution. Where Carling provided no mitigating circumstances, Dawson submitted to the panel that she was “under extreme stress, tired and feared for her job”. She stated that her emotions were “clearly overwhelming” her and she was vulnerable” (*Op cit*). These are all states of being that are recognised as making any teacher more vulnerable to boundary transgression (Fibkins, 2006; Porter, 2009; Hutchings, 2012; 2014;

Shakeshaft, 2013). However, despite these mitigations, importantly, she also “fully accepts her responsibility” and “acknowledged an abuse of her position of trust” in a moment “she deeply regrets” (*Op cit*). The panel agreed that this “was not a case of grooming, duress on the part of Miss Dawson or of a prolonged sexual relationship” and as such “it is not concerned about a repetition of her behaviour” (*Op cit*). They specifically state that this being only an isolated event has led them to conclude there is no worrying pattern of behaviour. However, mention is not made of any risk inherent in a student visiting a member of staff in their flat; particularly where the non-residential nature of the setting would not increase or require the likelihood of this blurring of professional and personal geographies (Porter, 2009). This would suggest that whilst personal contributory factors may have been considered, structural and/or organisational factors were not. This may be relevant in conjunction with the earlier mentioned difference in reference to Carling and Dawson’s teaching qualities. Could there be a connection between the structural/organisational support (or lack of) for each teacher and the contextual ‘acceptance’ of some of the structural norms that may have been (however inadvertently) part of the lead up to the sanctioned behaviours? Nevertheless, they do note that after the sexual activity “there was an exchange of emails which did not disclose any sense of disquiet or regret on the part of either Pupil A or, more particularly, on the part of Miss Dawson” (*Op cit*, p3). These “emails on the 2 days after the encounter do not assist her case, but they were limited in duration to that period” (*Op cit*, p4). No mention is made of the student’s attitudes towards his relationship with Carling, but it is made clear that Dawson’s student was “not a vulnerable student” and nor did he or his mother consider him “to have been a victim of crime” (*Op cit*). “Pupil A did not make the complaint” (*Op cit*).

The panel are explicit about their approach to the case, stating that “the panel’s starting point in considering Miss Dawson’s case is that sexual activity between a teacher and a pupil, albeit it a pupil aged 17, is entirely unacceptable. It is an abuse of trust” (*Op cit*, p3). After reviewing the

evidence, they state that “Miss Dawson has breached the public interest inasmuch as she did not *protect a young person in her care*. By failing so to do, she has brought the profession into disrepute” (*Op cit*, p4). In conclusion, the panel specifically states that they are not concerned about Dawson’s future behaviour, and they do believe that she “could have a future in teaching” (*Op cit*). However, their “concern has been for the reputation of the profession” (*Op cit*, p5) – hence the sanction.

### **Linnet:**

Like Dawson, Linnet also admitted everything that was alleged and that “the admitted facts amounted to unacceptable professional conduct and conduct that may bring the profession into disrepute” (NCTL, 2013, p2). However, there was no sexual misconduct nor any contact at all that was “sexual in any way” (*Op cit*, p9). Nevertheless, the admission was that “she engaged in an inappropriate relationship with Pupil A” (*Op cit*, p4).

In their considerations, the panel took “into account how the teaching profession is viewed by others and the influence that teachers may have on pupils, parents and others in the community” (*Op cit*, p6). This relationship seems to have been identified as problematic when Pupil A’s parents challenged Linnet about her relationship with their son. Both were keen runners and Linnet “met with Pupil A alone outside of school on a number of occasions to go running with him” (*Op cit*, p5). Social media was also identified as an issue, with the exchange of “an extensive number of messages using Facebook, personal e-mails and text messages” (*Op cit*) over a 3-4 month period.

At the end of this 3-4 month period, Linnet was suspended because “she failed to comply with the school’s IT policy in respect of the use of social media” (*Op cit*). When Pupil A’s parents had “confronted” her, “She [had] agreed to stop all non-essential contact with Pupil A. However, Ms [Linnet] continued to exchange messages with Pupil A” (*Op cit*). That the messages

continued despite assurances otherwise was a particular issue for the panel. The panel were able to see these messages and still confirmed that the relationship was both “platonic” and instigated by “Pupil A [when he] sought help from Ms [Linnet] in relation to emotional difficulties that he was suffering at the time” (*Op cit*, p8).

The panel particularly considered that Linnet **had** breached the standards by not “at all times observing proper boundaries appropriate to a teacher’s professional position” (*Op cit*, p6) in addition to not having “proper and professional regard for the policies of the school” (*Op cit*); Because “she exchanged electronic messages with Pupil A **after** signing the school’s policy” (*Op cit*, p7). They therefore state that “the conduct of Ms [Linnet] fell significantly short of the standards expected of the profession and is directly related to her suitability to be a teacher” (*Op cit*). They assert that she “abused her position of trust as Pupil A’s teacher” (*Op cit*). Consequently, they found that “[Linnet]’s actions constitute unacceptable professional conduct and / or conduct that may bring the profession into disrepute” (*Op cit*). It would be harder to see where the boundary had been crossed in this case, without the barrier effect (Hutchings, 2012) of the school policy on social media. However, it may also be possible to argue that this was an organisational misbehaviour rather than a professional one (Page, 2014), and therefore the processes in place for responding to professional misconduct may have been less appropriate in this instance.

So, if the “the findings of misconduct are serious” (*Op cit*) and panel found her guilty of misconduct, why was Linnet not sanctioned? Because the only sanction available to the panel is a prohibition order, they had to consider whether this would be proportionate and in the public interest (*Op cit*). Because the relationship was platonic and the panel did “not consider that Ms [Linnet]’s behaviour was serial in nature” (*Op cit*, p8) and they foresaw no ongoing risk, they did not sanction.

Mitigating evidence and demonstrated regret were also key. The panel believed “[Linnet] to be of previous good conduct and the evidence in the papers suggests that she contributed to the extra-curricular school environment and was a good teacher with a promising future” (*Op cit*). However, they had to weigh this against finding that her behaviour (from the list of behaviours in the teacher prohibition advice) did constitute “behaviours that would point to a Prohibition Order being appropriate” (*Op cit*). Whilst she was found to have acted deliberately and not under any duress, the panel viewed her intentions positively because they did not believe that she “deliberately intended to, or sought to, engage in an inappropriate relationship with Pupil A” (*Op cit*). “Rather it appears to the Panel that Ms [Linnet] became too involved with supporting her student emotionally” (*Op cit*, p9). Given that there was no sanction in this case (or, possibly, to mitigate for a lack of sanction?), the wording of the panel’s response to Linnet appears particularly harsh. Given the active concerns of the parents of the student, it is possible that the panel felt the need to be seen to judge harshly – even if that apparent severity of judgement in word choice was not accompanied by a prohibition order. This would coincide with their stated concerns to maintain the reputation of the profession. It may also correspond with Grondin’s view (2010) of the function of teacher regulation as crime control *theatre* – performing a publicly satisfying response over and above delivering tangible changes in future outcomes.

The panel felt positively towards Linnet for several reasons: She “had a previously good record ... accepted responsibility for her actions and she admitted the allegation as soon as she was on notice of it” (*Op cit*). In her response, the panel felt she showed “significant insight and remorse for her conduct. Ms [Linnet] has accepted that her conduct was inappropriate and acknowledged that she was misguided in her behaviour” (*Op cit*). The panel cite her letter to them in which she wrote that she had “learned a valuable lesson and that she would deal with the situation differently if presented with it in the future. For example, she would not communicate with a student via

social media and she would seek help from others” (*Op cit*). Even more than this, she added that “she has subsequently sought professional help to address her issues with maintaining boundaries and considering her own needs as well as the needs of others” (*Op cit*).

### **Summary of message:**

Reviewing these conduct panel records emphasises that, within the context of professional misconduct, teacher-pupil boundaries - too close (TPBC) should be a priority focus; constituting a third of all prohibitions and by far the most frequently occurring reason for prohibition. It also indicates several areas of concern which are of relevance to the practical efficacy of the code of conduct: There are clear indications of gender imbalance – particularly in the significant over-representation of male teachers in referral for TPBC. The three selected cases illustrate the impact of interpretation of intent and the significance of the manner in which the accused teacher responds to allegations in determining the outcome of the referral. Linnet’s case is particularly interesting because the process required her to ‘admit’ to a list of improprieties that many (myself included) would consider minor, if improprieties at all. Whilst she may not have been prohibited, the way in which her behaviour was officially judged was condemnatory (and a matter of permanent public record) and hinges more on the technicalities of IT policy infringement than any abuse of a position of trust in relation to her student. Arguably, it was *because* of her position of trust to her student that the behaviours that led to sanction were enacted. The level of condemnation in the official response (forcefully and emotively worded) seems connected to concerns about what is visible and therefore should be performed in particular ways that demonstrably ‘uphold’ the reputation of the profession. This use of language, that “is played ... [is important to] the notion of game” (Peters, 2004, p55) as understood in Foucault’s games of truth, in a way that highlights the symbolic function of language in sanctioning teacher misconduct.

Ball (2013, p20) states that “the operation of discursive practices is to make it virtually impossible to think outside of them; to be outside of them is, by definition, to be mad, to be beyond comprehension and therefore reason”. We see this rigidity in practice in these conduct panel responses when no reason, however arguably legitimate, can even be considered as justifying behaviour that *could* be construed as disreputable. The Crime control theatre nature of this response may demonstrate (through its symbolic severity) sufficient rigour to justify trust in professional regulation – though the need for it undermines trust in the professionals subject to that regulation if such challenges may only be addressed symbolically (Griffin and Miller, 2008).

## **Section four: From National to local context**

### **Whole staff boundary exploration – methods and message**

The whole-school staff training activity (INSET) on which I now draw, offers an opportunity to focus in on a particular local context within the national context explored in the previous section. This particular context was chosen because of its similarities with the context of the practitioner whose individual narrative is explored in the following section.

Fifty-nine (predominantly teaching) staff at an Independent co-educational 11-18 boarding school in England explored their understandings of what constitutes 'appropriate teacher-student boundaries'. The majority of staff lives on site and many have children who are themselves students at the school. All teachers are expected to be fully involved in the extra-curricular life of the school and most resident adults have boarding tutor and sports coach roles in addition to their core teaching. Participants in the activity included the Head and senior management team (SMT).

### ***Method***

#### **Preparation:**

Brief (single-sided) questionnaires were printed onto 6 different colour sheets of card, with 10 copies of each colour available (Appendix 3). These colours would be used to randomly determine groupings. Prior to issue, each individual sheet had a number written on the back, to later distinguish that person's response from that of the other individuals in their group, without requiring participant names. Stapled to each individual sheet, in the same colour card, were 5 strips of card - each bearing the name of one of the 5 hypothetical teachers whose behaviour would be evaluated for propriety. These card strips also had the responding individual's number pre-written on the back, so their individual evaluations of the 5 scenarios could subsequently be linked back to them and to their group's evaluation. At the front of the



venue, 5 large pots were spaced in a line as a physical Likert scale for indicating evaluation of professionally appropriate boundaries (PAB). These were labelled (left to right): 'definitely not PAB'; 'not really PAB'; 'Undecided'; 'somewhat PAB'; 'totally PAB'.

#### Process:

Wanting the groups to be of relatively equal number, the coloured question sheets had been pre-ordered so that they ran through colours 1-6 (all back-numbered 1), then colours 1-6 (all back-numbered 2), and so on. Participants were seated and had already engaged in other INSET activities prior to mine. Once our activity was explained, I worked my way around the group handing out question sheets from the top of the pile, so that group allocation (by colour of sheet) was random. Participants were then asked to move into new seats, so that each colour group was together.

The first step was an individual definition of 'appropriate professional boundaries' between teacher and student. When that individual definition had been decided and written down, groups were asked to work to combine their individual definitions into an agreed group definition. The purpose of this step was to look at how differing individual views might be compromised, and whether or not that individual compromise might show through later in evaluation of the hypothetical teacher behaviours of the 5 scenarios, despite espousal of an agreed group definition.

Each group was then asked to apply its agreed definition to evaluate the propriety of the following 5 hypothetical teacher behaviours (HTB):

Sam	At the Head's request, Sam provides a student with Oxbridge tutoring on a Sunday morning. The tutoring takes place in Sam's home.
Jo	Jo invites a 6 <sup>th</sup> form student to the cinema over exeat to catch re-runs of a classic film they've talked about in class.
Pat	Pat's teenage children (who are students at Pat's school) often bring school-friends home. When they stay over for the night, Pat joins them for a couple of beers in front of the t.v. before bed.
Chris	Chris coaches the U18 tennis squad and often drive students back to their home, in a personal car, alone – with parental consent.
Mo	Mo bumps into one of last year's L6 leavers (J) in a pub. J is 18 and Mo is a good friend of J's brother. With the acceptance of J's family, Mo and J begin a physical, romantic relationship.

Group evaluations were recorded on the question sheet, using a (5-point) Likert scale to indicate where they would consider the boundaries demonstrated in each behaviour fell: between 'definitely not appropriate' to 'totally appropriate'.

As a final step, each individual participant was then asked to detach the name cards from their question sheet and place them into the corresponding Likert scale pots at the front of the room, to indicate their own individual evaluation of the propriety of those HTB. This was to establish any residual (i.e. Post group agreement) individual variance from group evaluations scenario by scenario. The participant number on the back of each name card also enabled individual evaluations to be linked back to individual definitions of 'appropriate professional boundaries'.

I circulated the room throughout the activity, listening to debates, noting in what manner staff engaged with the debates, and responding to any questions. As soon as the activity was over, I recorded my observations on a Dictaphone for later transcription and use as field notes.

## **Results**

### Individual definitions of ‘appropriate professional boundaries’:

Individual definitions were broken down into individual components, which were then thematically grouped.

The most recurring theme was that appropriate professional boundaries between teachers and students are about safety, risk and the need for protection. There was an expectation that boundaries could and should “protect both the student and teacher from potential harm in any form”<sup>11</sup> so that “teacher and student are both safe”. Responses focusing on safety and risk also tended to be those that specified that the nature of the relationship should be academic, and that “the crux of the relationship is the teaching and learning process”.

According to these individual responses, staff should be friendly and approachable and the relationship between teacher and student should be one of mutual respect. This should be a relationship where formality, personal space and distance are maintained, yet within that relationship teachers should be supportive, helpful and caring. These 5 most recurring themes already show a challenging balance between distance and proximity; seeking “a sense of formality in a relationship that is suitably distant yet suitably close”.

Trust, comfort and honesty also appear as a theme, as does the need for mutual role clarity and adherence. Over-familiarity and disclosure were to be avoided, as was friendship or any sort of personal emotional relationship, where teachers distinguish “between the act of support and entry into [their] own hierarchy of friends/ relationships”.

Teachers were seen to be leaders and facilitators of academic education and wider learning. As individuals, their bounded behaviour should stem from

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<sup>11</sup> Quotations are from individual participant responses.

their ethics and self-awareness – although this latter point was balanced by an equal number of responses stating that boundaries should be monitored to ensure compliance with externally agreed rules, targets and objectives.

Keeping behaviours within the confines of defined roles (for both teacher and student) was a suggestion supported by mutual agreement and understanding of what boundaries should exist in a context where both teachers and students could be heard.<sup>12</sup> There was a clear message that agreeing and working to boundaries needs to be a mutual process if it is to deliver a “relationship which enables young people to learn and grow emotionally, intellectually and physically within agreed conventions”.

Governance, control and power were apparent influences across a range of responses. I had intentionally used the word ‘student’ and not ‘child’ in the question prompts, so took interest when teachers chose to refer to ‘children’ in particular contexts. One teacher defined boundaries as “acting appropriately considering it's an adult/ child relationship with respect that the adult is in charge of the direction of the relationship”. This is a school with students up to 18 years of age, and with gap year student-staff of 18-19 years of age, so the age border between ‘child’ and ‘adult’ is not as distinct as that between ‘student’ and ‘staff’. Is the point at which the student is no longer considered a ‘child’ about more than their age, such that an 18 year old student would still be considered a ‘child’ whilst an 18 year old groundsman who left school at 16 would not?

There was also indication that “professional bodies” should generate and agree professional boundaries as a set of prescribed behaviours, so that teachers have “a set of rules governing the interaction between educator and pupil”. There was no mention in these responses of the inherent value of (or values behind) such sets of (or rules for) behaviour, just that they should be agreed, clear and profession-led. However, these responses do state that

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<sup>12</sup> The overall focus of the staff training was on student voice – this may be a relevant consideration in interpreting these definitions.

trade unions should not be involved, which suggests something about the motives of such a behaviour set in that it should not be driven by teachers' collective interests. Interestingly, those responses that promoted boundaries as a set of rules or prescribed behaviours also focused on student safety and "physical boundaries". Whereas respondents placing more stress on the need for mutual understanding and respect appeared more in favour of rules that stem from "a good moral compass", "Willing the good of the other" and "ethical practice".

However, even where sets of prescribed behaviours and rules were sought, and despite the clear desire for mutual (teacher and student) clarity of expected behaviours, there was an equally clear recognition of the need for flexibility. There should be some "fundamental areas and also allowances made in specific cases" because what is appropriate will "always [be] very different between each teacher and each pupil".

#### Individual definitions > Group definitions:

The process of translating individual definitions into agreed group definitions made issues about clarity further explicit. Clarity was questioned in definition wording ("but nobody will understand what that means, what you mean by it") and in context of application ("I think it should be appropriate professional boundaries, except in a boarding school"). The implications of differing educational contexts were a clear issue for every group. One group actually pulled me aside to ask, "Is this in our context? Is this based here? At this school?" Or is it in another setting? Or in all settings?" (field notes).

Group definitions were as follows:

Pink	Limits within which educational progress, personal and emotional well being can be established safely without any exploitation of either person.
Lilac	Being able to encourage and support learners without crossing over bounds of familiarity.
Pale Green	Mutual, safe, trust, respect, 'Not a child's friend'.
Dark Green	A safe, mutually respectful, supportive relationship defined within agreed conventions.
Yellow	Always remembering that you are fundamentally the students' teacher rather than their friend.
Gold	Suitably distant and suitably close, this will vary for each pupil.

Groups seemed to take one of two approaches in moving from individual definitions to an agreed group definition. One approach was to choose the group's favourite definition from amongst the individual definitions of its constituents (Gold, Yellow, Lilac). The other approach was to combine into one definition popular elements from across the range of individual definitions (Dark Green, Pale Green, Pink).

When considering patterns between the individual variance from group evaluations of hypothetical teacher behaviours and the variance between individual and group definitions, it was extremely interesting to note that the three groups who had arrived at their shared definition of appropriate professional boundaries via the first approach (selecting a single favoured individual definition) had far less individual variance from group than did the three groups whose approach had been to combine key words. This difference was marked. The groups taking the first approach had an average

cumulative variance from group of 9.7. The groups taking the second approach had an average cumulative variance from group of 23.3.

	Sam	Jo	Pat	Chris	Mo	Total
PINK	7	4	7	5	10	33
LILAC	10	0	3	3	0	16
PALE GREEN	6	0	5	4	3	18
DARK GREEN	6	0	3	5	5	19
YELLOW	0	0	2	0	0	2
GOLD	0	1	4	1	5	11
Total	29	5	24	18	23	

Figure 4: cumulative variance from group evaluation of PAB

### Evaluations of hypothetical teacher behaviours:

Group	Group on Sam	Group on Jo	Group on Pat	Group on Chris	Group on Mo
PINK	2	1	4	1	3
LILAC	3	1	2	4	1
PALE GREEN	3	1	1	4	4
DARK GREEN	3	1	4	4	1
YELLOW	1	1	1	4	1
GOLD	4	1	3	4	5
	2.7	1.0	2.5	3.5	2.5

Figure 5: Agreed group evaluations of HTB (5 = totally appropriate > 1 = definitely not appropriate)

The HTB found easiest to evaluate by every group was Jo's. This scenario (with Jo inviting his student to the cinema over exeat) was the one that had the least individual variance from group evaluation and the one scenario on which every group agreed in their evaluation of this behaviour (as definitely not appropriate).

The groups placed Chris at the other end of propriety. All except one group agreed in their evaluation of this HTB as 'somewhat PAB', with the exception being the Pink group whose evaluation of this HTB as 'definitely not PAB' placed Chris driving a student home from tennis in his/her own car with parental consent at the same level of impropriety as they did Jo taking a student to the cinema over exeat. There were 9 members of the Pink group and more of them disagreed with their group's evaluation of Jo (4) than did over Chris (2), suggesting they were more certain in their 'definitely not appropriate' evaluation of Chris than they were in this same evaluation of Jo. One individual from that group in particular made evaluations that were more positive than the group's agreed evaluation in every case except Pat's, where their individual evaluation was significantly more negative (as often seemed the case with individual evaluations where that teacher did not have a child studying at the school or who was not resident on site). (Pat joined his teenage children - students at Pat's school in his/her own home for a couple of beers in front of the t.v. when the children's school-friends were staying.) For every behaviour, group evaluations spanned at least 4 of the possible 5 options; indicating broad variance. Particularly in the case of Mo's romantic relationship with a recent school-leaver, the variance was as broad as it could possibly have been: ranging from 'definitely not appropriate' right up to 'totally appropriate'.

It was interesting that Mo's was the only behaviour to receive an evaluation from any group of 'totally appropriate'. It is possible that this group believed the strong nature of the scenario required a committed 'statement' response, partially due to the group's composition (which included, through chance, more members of the SMT – including the Head - than any other group). The only hypothetical behaviour over which this group were 'undecided' was Pat's couple of beers, a scenario about which every other group made either a positive or negative evaluation.



The undecided option was taken on only 5 occasions (of a possible 30), with every group except one (who never opted for 'undecided') taking that option only once. At an individual level, the frequency of options for an undecided evaluation was less than at a group level (9% of total options vs 17% of total at group level). This may suggest that where there was more diversity of opinion amongst the group, the 'undecided' option may have been a way of reflecting that lack of consensus. However, only one group's response to Sam's home tutoring reflects this in the individual variance from a group evaluation of 'undecided' (where that individual variance is greater from a group response of 'undecided' than it is to any other level of group evaluation). It could also be that discussing and evaluating each HTB within a group informed and made more decisive the individual evaluations that were the last step of the activity. Group discussions were certainly animated with all participants "genuinely enthusiastic about and engaged in the activity throughout" such that "it was almost impossible to get consensus" (Field notes). The scenario in which the hypothetical behaviour generated the most 'undecided' evaluations was Sam's home tutoring. Of the 3 groups who did opt for either a positive or a negative evaluation, 2 evaluated negatively. The only group to evaluate this scenario positively was the one with the chance over-representation of SMT; an interesting coincidence given that the teacher behaviour in this scenario was at the instigation of the hypothetical Head.

The group most clear-cut in process and evaluations had chosen one of their group member's individual definitions to represent the group as a whole. All of the scenarios they rated as either 1 or 4. They were also the most negative in their evaluations; evaluating every behaviour other than Chris giving lifts home to U18 tennis players as 'definitely not appropriate'. There was almost no variance between individual and group evaluations, with the tiny variance there was stemming from just one person on one scenario. Field notes indicate that this was the only group who were "happy that they genuinely did agree".

The group whose evaluations were the most positive was the SMT-weighted group. On the scale of 1-5, where the most negative group's average evaluation was 1.6, this most positive group's was 3.4. Both groups had chosen the same process of movement from individual definitions to an agreed group definition. The most negative group's definition of PAB focused on acting in role and not in friendship. The most positive group's definition focused on balance and flexibility; arguably, two quite different stances, made more distinct when looking at the individual definitions from those who made up these groups. Interestingly, the individual definitions of these group members also take two distinct paths. The most negative group members' individual definitions were more sterile and formal in wording and focus (for example, "physical boundaries", "responsibility for education and safety" and "Selection and maintenance of aims") than that of the most positive group, several of whom use warmer phrases like "best interests at heart", "sense of comfort", "Trusting relationship ... friendly" and "care and genuine interest".

In evaluating the scenarios, group discussions showed awareness of a difference between intention and perception: "well, I think that behaviour would be ok, there's nothing wrong with it, but you'd leave yourself really open" (Field notes). Concerns about perception were also apparent in individual boundary definitions, where appropriate interaction was defined as that which "neither party would be ashamed of/ embarrassed by if it was shown on the national news".

Awareness of how the same behaviour might be perceived differently extended to whether or not this behaviour was enacted with multiple others. For many of the behaviours discussed, "what made it inappropriate was the fact that there was only one student in that location, as if – by having multiple students – that behaviour would no longer be inappropriate" (Field notes). With specific relevance to the following narrative (in discussion of the home tutoring scenario) one participant (a member of senior management) was noted to have told his group that he had previously given students the key to

his apartment. Apparently his apartment had been located next door to a teaching block and he had offered it as a useful study space (field notes). Post-activity discussion with another senior teacher revealed that until this activity “he had no idea how commonplace it was, um, for staff to have students who were not their children back to their homes for academic purposes. He hadn’t realised it was that widespread” (field notes). He also lived on site.

“I’m really thinking, if, with a group of sort of between 50-60 people there’s that degree of difference in opinion then how, well clearly there is no consensus at that school as to what appropriate professional boundaries are. So I would have thought, if I were in charge of that school, if there was such a wide range of possible views, um, how can you be certain that what you consider as a school to be appropriate professional boundaries are being maintained? When there’s that degree of uncertainty, I’d have thought you can’t be certain at all.”  
(My initial reaction - Field notes)

If there is no consensus and staff who work and live in close proximity are not aware of each other’s practice, this has implications for supporting and monitoring professional boundaries. In discussing the five scenarios, one participant “said he didn’t feel comfortable because of having only a top level of information, coming to any decision about how appropriate or not the boundaries might be in that instance. He’d need more information before he could think or do anything about it” (field notes). This also has implications for how staff might react to seeing or hearing about a colleague’s behaviour:

“So, say for example, you hear, oh my colleague Sam has invited a student to, um, the cinema to see ‘X’ movie, um, on their own, and you might think, ‘Oh gosh, that sounds a little bit inappropriate’ and if like this other guy you’re thinking but I don’t know the full picture therefore, you know, I have no cause to act, no cause to do anything about it,

that is a potential missing of warning signs. Um, but then if it means that we do feel an obligation to go and find out more about it, it gets you back into surveillance.”

(My initial reaction - Field notes)

### **Summary of message**

Across the profession, Swann *et al* (2010, p566) found that “teachers clearly do not have a single integrated view of ‘professionalism’”. This activity suggests that even where an educational setting has a distinct individual character that is evident in its public image and in situ, this unified identity does not equate to a shared understanding of what constitutes appropriate professional boundaries. It further suggests that staff may have the impression that there is more consensus (in both belief and practice) about what might be considered ‘appropriate’ than is actually the case. Assumed consensus obstructs informed leadership and leaves all community members vulnerable.

A pressure was evident on staff to ‘be seen’ to act in a way external others would consider appropriate, avoiding behaviours open to interpretation even where they felt there was no inherent issue with the behaviour in question.

### **Section five: Ruth's narrative**

Having established a national context in section three before drilling down to a local context in section four, this section now refines the focus further, to share the personal narrative of a single practitioner. It should be noted again at this point that Ruth's narrative was amongst the data first available and the choice of local context was informed by her narrative and chosen to be, as much as was possible, matching context.

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## **Section six: Response to Ruth's narrative**

'Ruth' is a secondary Drama/Arts teacher whose teaching qualifications have been achieved with distinction. She has held a range of positions of responsibility – both academic and pastoral. She is popular with colleagues, students and parents; creative in her teaching; and has high expectations of her students – who achieve well. She engages energetically and often with many extra-curricular activities in the boarding school setting where she lives (in single accommodation) on site. She is a dedicated teacher who works hard and will 'go the extra mile'. She believes in a holistic approach to teaching and attributes her successful behaviour management (in significant part) to a focus on developing positive relationships.

This brief portrait of Ruth is not presented to illustrate '*the truth*' of Ruth's teacher identity, but as collation of characteristics agreed by Ruth, her friends and colleagues. It is an intentional selection of characteristics on my part, as researcher, because on the one hand it seems to be a validation of Ruth as 'a good teacher' yet may equally well suggest she might be a particularly 'high risk' teacher. Not only is her subject area one considered to foreground risky topics (Jagodsinski, 2006) and encourage intense emotive engagement (Johnson, 2004a; Johnson 2008); she is also immersed in Porter's uniquely toxic teenage environment – accentuated by the complex multiple roles of a boarding setting (2009). She is located within a small community where 'professional distance' is harder to achieve and, arguably, less desirable or practicable (Pugh, 2007). She fits Shaviv's (2010) profile of the charismatic and dangerous 'Pied Piper', and actively embraces the holistic teaching persona and levels of dedication that are often traits identified in teachers engaging in sexual misconduct (Fibkins, 2006; Johnson, 2008). She lives alone (amongst her students) and spends most of her time outside of teaching engaging in extra-curricular activities with students, such that Porter (2009) might fear relaxed boundaries and 'proximity fuelled desire'; augmented if she also feels lonely or in any way isolated from other adults (*op cit*; Shakeshaft, 2013; Johnson, 2008).

However, this introductory portrait also suggests that she may be the sort of teacher applauded by Government, sought after by school leaders, and praised in the public arena. Gove (2013) wants teachers to be empathetic and energetic; inspiring, exciting and motivating, with a love of children. He wants an increase in the amount of time children spend with such teachers – closer interaction and not greater distance. Great teaching, for Gove, is about more than just professionalism; it is about moral purpose (2014). Bailey (with 15 years experience of Headship) advises school leaders that ‘outstanding’ teachers are not only inspiring and enthusiastic; well-regarded by colleagues and students, but they actively contribute to a breadth of extra-curricular activities beyond their core role (Bailey, 2013). This desirable ‘wider contribution’ is also endorsed as an indicator of teacher excellence by the DfE (2013b). And in the public arena, teaching awards honour those who create positive learning environments through warmth, kindness and humour (Bellamy, 2014). Nominations for the Pearson Teaching Awards include frequent repetition of plaudits such as ‘She/He is *always there*’; ‘giving up extra time’; ‘going the extra mile’; “giving up not only her non contact time but her holidays also” (Thank a teacher, 2014, np). Teachers are referred to by nominating students as being, “like a mother” to me; “like a sister to me!”; “*Always* available”; “*a/ways* there when you need to have a chat”; “*a/ways* there whenever you need her to talk about anything”; “a great friend.” Their appreciated commitment extends beyond school hours with, “the million emails she sends us with helpful tips”; and beyond the core role: “going beyond the call of duty”. These teachers are, “charismatic and inspirational”; “warm, kind and caring”; “enthusiastic and engaging ... more than just a teacher”; “unbelievably dedicated”, with ‘the only possible fault being that they care too much’ (*op cit*).

Risk and reward appear to negotiate a fine line, with the same behaviours being potentially indicative of both misconduct and excellence. Behaviours as contradictory indicators are an important consideration in analysing Ruth’s narrative. This is why the four critical reviewers were asked for their feedback

on Ruth's narrative with specific consideration of action *versus* intention in interpreting Ruth's maintenance of appropriate professional boundaries.

This focus was also chosen to honour the reflective anxieties Ruth has presented in questioning her own motivations: had her behaviours constituted professional misconduct because of some of the thoughts behind them? And might those same behaviours have been deserving of the praise received in the absence of those thoughts? It is possible to see this presentation as an intentional positioning on Ruth's part, to somehow mitigate any potential judgement of her behaviours during the research process. However, as a formative link between reflection and revised future actions, the distinction between action and intention is also present in the panel responses and records to teachers referred for misconduct, as well as in the literature.

Porter (2009,p176) differentiates between 'right action' and 'right intention', and suggests reflecting upon right intention increases the likelihood of right action. Whilst the action taken might be all that is externally visible, perhaps it might be the intention within that action which determines its propriety. This interpretation would correspond with a focus on self-mastery rather than performed compliance.

A critical issue here – to which I shall return in discussion – is how intent can ever be 'known' beyond the actor; critical because it is the interpretation of actions by others that leads to praise or sanction. We might ask, then, what use are all Ruth's anxieties if it is the interpretation and judgement of others that might condemn her? Would she have been better off to continue to assert her innocence to herself? Porter (*op cit*) might suggest that the 'good' of these anxieties would be that by reflecting on right intentions, more of Ruth's future actions will be 'right' and her anxiety will then diminish. Those who support explicit training for ethical practice (e.g. Hutchings, 2012) might suggest these anxieties show a level of ethical engagement that is more widely necessary – and, engaged in from the start of a teaching career, might allow successful resolution through discussion of such anxieties before they

become more substantial. Either way, Ruth's anxieties certainly demonstrated the 'ontological insecurity' flagged by Ball (2003, p220) in her increasing uncertainty about her own motivations and teacher identity as the pressures of the panoptic tightened.

### **Selected instances from the narrative:**

Very few single instances generated specific comment from the critical reviewers – of more impact was the combination of several instances into a developing picture and “the sheer amount of these incidents” (Mike). This led Sarah to comment that “Intention does not necessarily play a part in this process” because no one little step appeared of great significance in itself – akin to Hutchings' ‘slippery slope’ (2012). These instances have been selected in the first case because they generated specific comment from the critical reviewers<sup>13</sup>.

### **Ruth sharing personal information with students:**

Kate “was particularly struck” by this aspect of Ruth's practice, because she believes that “pupils usually share information with teachers rather than the other way around”. However, Ruth did state that this whole-class interaction, “brought them closer, in a way that helped her connect with them more effectively as a teacher. Because they saw Ruth was open with them, she

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<sup>13</sup> The decision to shape the discussion of Ruth's narrative in this way was led by an awareness of the need to acknowledge that what I had in common with Ruth might influence me to hear and convey what I thought and believed (Berger, 2013, p10), or might be seen to have this effect without inviting critical colleagues (who were not known to Ruth and did not know her) to identify issues of concern. However, it is also possible to consider that, by giving them a focus on action vs intention I may have been allowing my rapport with Ruth to influence the response of the critical reviewers by asking them to focus on a concern she had already pre-empted in her narrative; thus strengthening any image through which she chose to present herself. Nevertheless, ethically it is important not to place too onerous a request on research participants (BERA, 2011) and asking them to review a lengthy and emotive narrative without the assistance of a specific focus may have been viewed as not giving due ethical consideration to their involvement and may have disengaged them from the process.

feels they were more open with her – which meant she could support them more effectively.” Nevertheless, the element of reciprocity in this relating would still in itself be a concern for Porter (2009) despite Ruth’s clear assertion that she “experienced real success and reward with this group ... [and] had a lot of very positive feedback from these students and their parents throughout their time together and when they left”, which she attributes largely to their positive relationship. Porter would still view Ruth’s sharing of personal information as indicating that she did not have any life of her own, and was identifying with (rather than relating to) her students.

### **‘The game’:**

It was very interesting that none of the critical reviewers commented on this instance, yet Ruth states in her narrative that she “feels that this was the most inappropriate encounter she had with or involving Ben, and remembering it makes her feel deeply uncomfortable”. This is why that instance is mentioned here despite no comment from a critical reviewer. It could be argued that this instance illustrates characteristics from within a set of behaviours the NSPCC (2012) present as part of the process of grooming. Why then did none of the reviewers comment on it? Was it because they agreed with Ruth’s assessment of her behaviour and felt they had nothing more to add? Were they more sympathetic to Ruth because of her own demonstration of ‘right response’? If Ruth denies any wrongdoing, is she then a riskier teacher? (Knoll, 2010) So by relentless self-scrutiny for wrong-thinking is she then ‘safer’? Is her own consuming guilt demonstrating the shame of desire the absence of which caused normative others such anxiety in the trial of Amy Gehring (Cavanagh, 2007)? We could consider this active self-presentational choice on Ruth’s part (as well as the behaviour described) as indicating a range of various intentions. Stating that “this was the most inappropriate encounter” may signify an engaged research participant keen to demonstrate full disclosure. It might it also be read as an anxious practitioner keenly aware of the need to protect herself from further scrutiny so consciously crafting her ‘honesty’ for view; ‘performing’ reflexive practice. Within the conceptual



framework of this thesis, the intention is not to 'discover' 'the right' interpretation, but to acknowledge the possibility of a range of interpretations and consider the associated pressures and implications for practitioners' ethical self-constitution and the aims of professional conduct regulation.

### **Unwelcome comments:**

Andy's feedback refers to "the support worker at Beechwood in the narrative who made unwelcome sexual advances/comments to the sixth form girl". He makes this reference to support the point that this man's actions showed an inappropriate lack of restraint. Throughout Andy's comments he clearly differentiates between feeling desire and acting upon it. It is interesting that he explicitly refers to this man's actions as "unwelcome". (Ruth's narrative describes them as "explicit and unwanted".) Is he suggesting that they are additionally inappropriate *because* they are unwelcome? He's moved beyond thought to action – a conscious choice – and that action is unwelcome. This would tie in with Aultman, Schutz and Williams-Johnson's suggestion (2009, p637) that 'boundary violation' is determined by how the actions are received – and if perceived as harmful, *then* constitute 'boundary violation'; whereas, if welcomed, would be the lesser 'boundary crossing'.

### **Broader issues noted from the narrative:**

These issues have been selected in the first instance because they were indicated in comments from the critical reviewers.

### **Acting 'in the moment':**

Sarah comments that "hindsight and reflection play a vital part in shifting perspectives" in Ruth's narrative. Acting in the moment "is so often feelings driven" and, where there is doubt, it is prior experience onto which our action-decisions fall back. Kate links this to concerns about insufficient preparation for teachers in how to manage new situations, and she states that drawing on experience makes managing such situations easier. However, In Ruth's

narrative, her prior experience (both as a student herself and as a teacher) was of “blurred boundaries ... mixed messages and boundary confusion” (Sarah). Sarah refers to “Ruth’s very confused/blurred boundaries world” where “intention and action also become confused”, continuing with the action even though this creates discomfort, leading to “ambiguity and anxiety” (Sarah) and to her student, Ben, also breaking boundaries. So, for Ruth, drawing on prior experience was more likely to reinforce the further blurring of boundaries than to support her management of teacher-student interaction in line with the code of conduct. Sarah, Kate and Mike draw attention to the parallel between Ruth’s experience as student and practice as teacher (“a naivety shaped in some way by her own experiences of blurred teacher-pupil boundaries”. [Kate]). Shakeshaft (2013, p10) might indeed consider Ruth to be playing out her own adolescent fantasies, as Ruth herself recognises that “Beechwood was very much like the boarding school where [she] had been a student herself, and part of the attraction lay in the familiarity of the environment, given her own 6<sup>th</sup> form experience.”

### **Mixed messages from Senior leaders and colleagues:**

There are a range of examples from Ruth’s narrative of what Sarah describes as “the school SMT ... providing mixed messages and boundary confusion”. On the one hand, the Head instigated and validated the visiting of students to staff accommodation when he asked Ruth to tutor his own daughter in her apartment on several occasions. On each occasion Ruth and the Head’s daughter were alone in Ruth’s apartment. On the other hand, when she had Ben’s parental written consent to drive him to a University event in her free time, the Head “was happy that she was supporting Ben and encouraging” but cautioned her about being alone in the car with him – advising that Ben sit in the back (as if that would somehow create a ‘safe’ visual distance, because he was concerned about “how [Ruth and Ben sitting together in the front of her car] might look”).

“Ruth felt that Beechwood actively encouraged her interest”. Her interaction with Ben (in introducing him to her family and setting up a work placement abroad for him) earned her a letter of thanks from the Head. When Ruth told Ben’s Head of House how impressed she was by Ben, and told her line manager about an intense MSN conversation she had with Ben in which he had disclosed past troubles at home – engaging her support and “particular interest” in him; she was allocated (unrequested) additional work directly with him “for two hours twice a week” (a series of events illustrating the NSPCC’s definition of the grooming process (2012)). When the senior tutor told staff to remove students as facebook friends (ten months into Ruth’s time at Beechwood, until which point it had been “commonplace for staff on facebook to have current students, of all ages, as their facebook friends”) Ruth could see from the colleagues who were her facebook friends that many of them retained their 6<sup>th</sup> form facebook friends and only removed the younger students. She seems to have taken her lead from this, and deleted all but four upper 6<sup>th</sup> students “who she taught and trusted” whilst ensuring that “there was nothing on her facebook page she felt in any way risqué or that would have been inappropriate for fully open public knowledge”. Ruth even reported pastoral support she had been able to provide (via. Facebook) over a school break to one student (Mike) to his Head of House, so that Mike could be further supported by the Head of House. The pastoral gains from something that was officially banned were unofficially welcomed by Ruth’s senior colleague.

### **Denial and consent:**

“Ruth works hard to condone Jack’s conduct ... she asserts that Jack was absolutely ‘*not*’ exploiting [her]” (Kate). Kate continues to challenge how the relationship Ruth had with Jack could have been positive and rewarding. This difficulty in accepting that Ruth could have viewed her relationship with her teacher so positively, suggests the broad influence of the dominant binaries Angelides refers to (2007, p349) of “adult/child, perpetrator/victim, consent/coercion” within the master narrative. It could also be that Ruth’s

defence of Jack stems from her own guilt: if she has to be more critical of Jack she must then also be more critical of herself – which might be unbearable. An additional consideration is that she has consented to share her narrative but is conscious that she is only sharing her perception of Jack's behaviour and does not know what he was thinking any more than he knows she is sharing these events.

### **Arts subjects:**

Of the four critical reviewers, only Mike (the only reviewer from an Arts background) made reference to teaching of Arts subjects increasing the risk of “student/teacher boundaries being ‘lowered’ through the springboard of ‘sharing’ artistic experiences.” (In her second comments, Sarah is explicit in her disagreement with this point.) He sees the role of the Arts as being “to break down barriers and to explore the deeper level of our common humanity”, and identifies this vision of Arts teaching as the one to which Ruth is enthusiastically committed. For Mike, this artistic depth characterises “a litany of problematic outcomes to student/teacher boundaries” for both Ruth’s “experiences as a student and then as a teacher.”

### **Boarding school context:**

In addition to the risk of shared artistic depth, Mike makes explicit reference to the further “layers of role” that come with “the peculiarity of boarding school life”. He sees this context as characterised by “close living conditions” where “role-leakage and complexity are almost always there ... and inhibition can drop”; “especially in the secondary phase”. All these complexities he identifies in Ruth’s narrative.

Kate seems concerned that the boarding school environment (which she describes as “different and detached from ‘real life’”) is being used as an *excuse* for “inappropriate” teacher behaviour. Andy aligns the boarding school context (with its “layers of complexity”) with that of a small community, and suggests that Ruth’s practice has been formed and learned from “those in the

environment around her”. “In the light of this close/intensive social structure, professional boundaries are almost inevitably more fuzzy and hard to negotiate” (Mike).

### **Themes:**

#### **Small communities:**

Whilst the boarding school context is more prominent in the narrative, I believe it is important to recognise that similar levels of role complexity are present in Ruth’s first teaching school. She states that “it was a small community” and at this school as at Beechwood, “many colleagues had children who attended the school as students”. Because of the nature of small communities, professional and personal roles and locations overlapped in and outside of school hours, with more open and relaxed boundaries as a result.

The issues raised in the social work literature about differing boundary expectations and proprieties in rural communities (due to their encapsulated nature) are clearly illustrated in this first school setting. Whilst Ed’s “set-phrase standard response” to students (“It’s my private life and I am not prepared to discuss it”) may be admirably in line with the professional distance sought in much of the literature (Porter, 2009; Preston, 2011) it also highlights Mercieca’s warning that this distance alienates teachers from their students (2012). Ruth describes Ed’s alienation from his students as seeming “odd and wooden ... in the context of this school”, and this need to adapt blanket boundaries to be more context-responsive illustrates the core message from rural social work practice (Pugh, 2007).

#### **Identifying with students but not relating:**

Although none of the critical reviewers refer to this issue, Mike’s comments on The Arts’ exploration of “common humanity” and “shared” artistic experiences at a “deeper level” do suggest relating that is at a level of identification. If student and teacher share this interpretation of the function of their subject,

and they find themselves responding to their subject material at a similar depth or with similar thinking – this is a strong bond. In her first lesson with Ben, Ruth states her appreciation that Ben's text choice "dealt with themes and issues that appealed to her own tastes." Not only did he "read it sensitively" but it transpired that this was a text of his own writing and he "felt comfortable telling her it was his own work", but only when the two of them were alone at the end of the lesson. Ruth interpreted this level of connection as trust "specifically, in an important way". As their relationship progressed, Ruth explains that "he was interested in similar issues and themes" to her and she "found it interesting to find out what he was reading and thinking about, and discuss those things". Ben also seems to have found this interaction rewarding and encouraging, and two years later "spent several minutes thanking [Ruth] in particular (in front of everyone!) for all the encouragement, support and time she had given him ... he went into some detail and it was quite emotional." That Ben felt comfortable making this thanks publicly (and his audience was comfortable to hear it) suggests that this level of connection was acceptable (if not encouraged) at Beechwood.

There are many instances within Ruth's narrative that clearly show that she has moved beyond empathising with Ben to identifying with him. Most explicitly, after the meeting to confirm Ben's work placement with Ruth's father she states: "Something about how this meeting consisted of Ruth and her parents plus Ben and his parents made Ruth feel further that she and Ben were more similar than different – it was like 'them' and their parents; re-defining the respective groups to which they belonged – and they were both in the same group." Porter (2010, np) states clearly that "our job as educators is always, and under all circumstances, to honor these differences" between teacher and student.

For Porter, joining in is about identifying. More broadly than Ruth's clear identification with Ben, joining in with the whole school community (especially with students) is a central characteristic of boarding schools, and an important

personal feature of good schools that promote community cohesion (DCSF, 2007). However, Porter's concern is that "every adult has a teenage self awaiting activation" (*Op cit*, np) and when teachers join in with their teenage students, it is their teenage self rather than their educator self that is engaged; which is "hazardous". With hindsight, perhaps it was unwise for Ruth to consider living and working in a setting so reminiscent of her earlier experiences, given that this commonality may already have brought her teenage self to the fore. However, it seems impractical to think we can both recognise in advance and then avoid such patterns. Perhaps opportunities for considering ethical dilemmas and our personal and professional dispositions (Hutchings, 2014) in relation to them during our professional formation might be more constructive, less threatening and tangibly achievable.

At what point could this 'hazard' have been avoided for Ruth in her interaction with Ben? The previously considered mixed messages from SMT are important in this respect, since the context of their relating is key. Whilst Porter (2009, 2010) may appear quite extreme in the extent of staff distancing she finds necessary, she does state that these expectations require the support of schools to foster healthy adult communities so that a balance for staff exists such that their own needs are being met within the adult community. This is significant in considering how a coincidence of multiple elements were active in increasing the likelihood of boundary transgressions.

**Staff context:**

*Residential:* Over the course of Ruth's time at Beechwood, she was completely immersed within the school both in her teaching and non-teaching time. She was "living amongst the students", "with lessons six days a week and house activities many evenings" as well as a first term with "full Sundays on duty". Additionally, she was expected to be available in her 'personal' space outside of school hours – initially (in person) at the Head's instigation and ongoing through the external provision by the school of all staff home contact numbers.

*All teaching staff.* Ruth's narrative includes "a very unpleasant and nasty parental run-in" that started towards the end of her first year and seems to have continued in varying forms until her departure. The confrontation stemmed from "a choice of class text that met with an angry and aggressive response from one student's parents." Ruth states that "these parents remained hostile" and after later issues with their daughter becoming abusive towards Ruth about work deadlines and re-presenting Ruth's comments to her parents in ways (and with meanings) very different from Ruth's account of those same comments, phone accusations and formal written complaints from these parents ensued. Ruth had to go through a lengthy process of self defence, whilst feeling "physically sick" and frightened, through "the sort of quiet you cannot be entirely sure is reassuring". She felt "nobody approached her to ask how she was dealing with the situation or offer support, expect for students." Even when the Head actually apologised to her "for not being more supportive of her at that time" Ruth is clear that this was "far too late given how traumatic and isolating an experience this had all been." She describes this as "a time of intense turmoil and distress ... [that] made [her] doubt her future in teaching."

Significantly, this was not an isolated example, with Ruth finding herself again "very unsupported by SMT" the following year despite being, again, subsequently vindicated. This time, the issue was "badly (externally) marked exams" where poor grades were blamed on Ruth and she felt "persecuted" even though she "insisted that the grades given were wrong and instigated a re-mark" which resulted in those initial grades being corrected in line with predicted grades. However, "no-one apologised for perceived accusations that her poor teaching and incompetence were the cause", even though the re-marking suggested this was not the case. Ruth describes this situation as "extremely distressing and further isolating" and her resignation from Beechwood soon followed.



**Personal context:**

Actions are “always the result of multiple causes and influences working together in unison at any given time” (Kim, 2013, p17). Just as Fibkins (2006) suggests that it is these coincidences of factors (any number of which any teacher might experience) that may lead any teacher towards boundary transgression. This is irrelevant in any assessment of propriety, but it is very important to understand in considering how boundary transgression might be avoided through identifying risks in contexts including the personal, and ensuring available support.

Ruth’s relationship with Ed broke down early in the first term at Beechwood. (“Ruth felt it was just too much to keep feeling her emotional investment rejected”.) In her 4<sup>th</sup> term, when Ruth’s parents split up, it transpired that Ben had actually spent some time with the woman who would become Ruth’s father’s girlfriend. For Ruth, this meant it was impossible to keep this “most distressing episode [she] can remember” separate from her school identity, partly because Ben was already “inadvertently embroiled”.

As Ruth’s time at Beechwood progressed, she therefore found herself newly single; unremittingly located as a solo adult and teacher within the physical student living environment; increasingly professionally unsupported and isolated by her SMT whilst “persecuted” by threatening parents; at the same time as reeling from the “huge shock” of her parents’ break up.

It seems somewhat of an understatement then, when Ruth ends her narrative with a description of Beechwood as a “climate where she didn’t feel much trust”. “It stands to reason that a teacher who is loved and affirmed only by her students and who spends the majority of the day with them might begin to view students as friends” (Johnson, 2008: p69); This is true in Ruth’s case - it was Ben who approached her and “asked how she was” and her students who were there to offer her support. However, whilst she “felt unable and inappropriate to engage ... with support offered by most students, Ruth did

explain to Ben what was going on and he was supportive towards her.” But even then, “she underplayed her anxiety to him, because she did not want him to be anxious also.” Even then, though “it was a relief to be able to tell him ... Ruth didn’t say that much [because] she didn’t want to off-load on to him”. This trust-less climate seems to be that of an unhealthy environment. Within such a context, though problematic, Ruth’s identification with students is at least understandable. She is isolated within the adult community and doesn’t have the time, space or emotional capacity to build additional support outside of her work environment. However, based on Ruth’s self-account, despite this hostile and emotionally vulnerable context she is still very aware of the requirement for professional restraint and shows conscious efforts not to infringe upon Ben in their relationship; to keep some professional restraint despite her personal relief in his offers of support.

Despite Ruth’s “unflinching reflexivity” (Mike) and “anxious hindsight” (Sarah) there are many instances of boundary transgressions in her practice. Whilst she is arguably isolated within an unhealthy environment, does this make her partial restraint ‘good enough’? Ruth said of Jack that “he resisted far more opportunities than he succumbed to” but Ruth could feasibly be seen as resisting more opportunities at this point for the reason that she is scared about the consequences of doing otherwise – which have become painfully real in light of Sian’s parents’ complaints and the SMT response. So, if these consequences had been as real and such emotional relating open to reflective discussion from the outset of Ruth’s teaching career, could this have shaped her teaching practice differently?

### **Honesty, reflection and support:**

“Who can a teacher safely turn to with their work based problems – whether an unruly class or forming a relationship with a pupil?” (Kate). There needs to be “a safe place to discuss such issues” (Kate). Kate’s concern is that “the teacher carries the heavy burden in secret and suffers the consequence of that secret” – which Ruth’s experience does seem to illustrate. Whilst Ruth

did present herself as showing restraint, the pressures of her situation were comprehensive and the school context intensified these pressures instead of providing support. It could easily have been the case that these pressures in this context might have led to boundary violation and serious professional misconduct, as they did for Jack. In Jack's case, we also see a teacher in need of personal contact. Kate asks "what would be the motivation for a teacher to accept an invitation to spend holidays with a pupil and her family?" – but when Jack gets engaged, and this risk factor is removed, these holidays (and the not-quite-student liaisons) stop.

It is this combination of a teacher in need of personal contact, students looking for an adult mentor, a lack of training in how to negotiate such personal contact with students and the lack of staff mentoring and support about which Fibkins cautions when he warns that "Sexual misconduct can happen in any school" (2006, p3). This is significant because the risk is in this *combination* of factors – rather than any single factor in isolation. As teachers we are all human and will experience times of personal need, as Ruth did, whilst still working closely with students. However, if we face these times of personal need with preparation, support and mentoring, the factors whose combination creates such risk are no longer combined.

### **Teacher as adult with control:**

One of the themes over which there was most consensus amongst the critical reviewers was that "the teacher is always the adult" (Kate) and that "adults control the situation". Andy explicitly agreed with Kate's statement (although Mike did not comment in relation to this theme). Kate (but only Kate) refers to the age differential and only then between Jack and his students ("in his early 30's and therefore almost twice the age of the girls"). Even though there is also an age differential between Ruth and her student, Ben, no reviewer comments on the age differential in that context – is it because the gender difference neutralises the power differential otherwise inherent in the age gap?

**Gender:**

Jack gets a lot less sympathy from the critical reviewers than does Ruth. However, historical context would mean his behaviour was more commonplace at the time; in the 1980s/1990s his behaviour was not illegal and there was no GTC and no code of conduct against which he was transgressing. This behaviour occurring now would be illegal (against the Sexual offences Act 2003) and would certainly be considered professional misconduct. However, the NCTL conduct panel evaluates a teacher's behaviour against the code of conduct in place at the time of that behaviour, so would not pass sanction. Kate states of Jack that, "he arguably felt justified in his conduct as the girls were all over the age of consent, 16, and so he wasn't doing anything wrong", to which Andy challenges, "nothing legally wrong ... but morally?" For Andy, Jack's actions (even given the differing historical context) are a step too far, he thinks Kate "[lets] Jack off very lightly" yet he was the reviewer most sympathetic towards Ruth, who he describes as "caring and kind". (Is he more sympathetic to Ruth because she was able to show us her internal struggles? And did not physically act despite these internal struggles yet still demonstrates 'shame of desire'?)

However, Ruth's time at Beechwood was post-2003 and at a time when teachers' conduct was professionally regulated by the GTC. The specific reference to maintaining appropriate boundaries at all times was not yet codified, such that Ruth's reflective guilt in questioning her own intentions was reinforced by the introduction of the 2009 code (GTCE, 2009). Since the events in Ruth's narrative, but prior to her sharing her account for this thesis, the detailed guidance issued by the DCSF (2009) was subsequently reduced to minimal guidance in the current code (DfE, 2013i). This is fundamental to the truth of Sarah's observation that hindsight plays such a vital part in this narrative, and we need to consider that Ruth's narrative is likely to have been very different if shared synchronously. Merriam (1995, p55) endorses this concept of shifting 'truths', stating that "classroom interaction is not the same,

day after day, for example, nor are people's understanding of the world around them".

So is the difference in critical reviewer response to Jack and Ruth about Gender? Or is it because Ruth has demonstrated critical self-reflection? Or because Jack's student interactions are presented by Ruth as being multiple and include the physically intimate whereas Ruth's might be multiple but are emotional and not physical? Kate thinks, "as a man [Jack] was able to 'get away with it'" –and also states that Ruth received a more hostile and accusative response from senior colleagues at Beechwood than a Male colleague would have done – both views running contrary to the literature. (It might be that Kate's response says more about Kate than about Ruth's narrative – although this is arguably true of any of our responses in the way that we filter our perceptions through the lens of our own experiences (Berger, 2013). We should then question what this means for the responses of others to *our* teacher behaviour (and interpretations about professionalism they might make.) Whilst Kate is clear that Jack crossed the boundary and "his behaviour was inappropriate", she describes Ruth as simply having "entered a 'grey area'." Andy also expresses concerns about gender implications in Ruth's narrative, suggesting that those in the environment around teenage Ruth might think it less acceptable were he to invite "a male teacher in his 30s to family celebrations with my 17 year-old son" than was thought of Jack being invited to join Ruth and her family.

### **Variable portrayal of same events:**

Kate's feedback summarises Ruth's practice as:

*"Ruth enjoyed 'hanging out with Ben'. She manipulated the seating arrangements in the theatre in order to sit by Ben and was 'irritated and somewhat jealous' of one of the girls who was flirting with Ben. Ben had a key to her apartment."*

It is fair to say that this selection of information portrayed in this way looks very bad for Ruth (for reasons that are developed below).

It is interesting to compare Kate's re-presentation with the original presentation of these events in Ruth's narrative. Ruth does state that she "enjoyed hanging out with Ben" and the context is the university trip that Ruth "had been looking forward to" and "was a really enjoyable afternoon and evening" ... not because of the topic of the talk they were attending ("which she found a little heavy") but as interactional time with Ben, from whom "she would have liked more conversation". It is fair to suggest that although Ruth's actions here did support Ben's university and career aspirations, there was also 'something in it' for Ruth in the form of a change of scene and social interaction. Perhaps we should also be asking why it was necessary for Ruth to get this change of scene and social interaction in this way? Was her usual routine so intense and school-anchored that she could only meet her own needs via. her students? Ruth does describe herself as, "fully immersed in the all-encompassing constant activity" of Beechwood (a "full immersion" to which full duty Sundays were also quickly added by the SMT). It would have been almost impossible for her to have cultivated the life outside of work that Porter insists is her professional responsibility (2009, p123); She was completely embedded amongst the students, both in location and time.

When we look at Ruth's account of the theatre trip, the order of events differs from Kate's re-presentation. In Ruth's account, she "intentionally gave herself the seat number adjacent to Ben" *after* she had recognised she was "somewhat jealous" of the girl who was not just flirting but also "toying" with him, because "she was quite protective of Ben". Ruth explicitly examines her motivations in this instance, including the hindsight comment that "she should have just left him to get on with it!" Although, again, she acknowledges that she "thought *she* would enjoy sitting next to him and seeing his response to the play", which is another at least partial motivation on the basis of her own needs. However, Kate's presentation of this instance uses the emotive word

choice – “manipulated” – when describing the seating allocation, and presents this ‘manipulation’ as occurring *before* her irritation and jealousy towards “one of the girls who was flirting with Ben”. This implies that there was some personal gratification in mind for Ruth that was prevented by the actions of the girls, and it was the frustration of this personal gratification that triggered Ruth’s irritation and jealousy. This small change in re-presentation makes a significant difference in implication, and foregrounds Kate’s last statement – “Ben had a key to her apartment” – with a semantic field of flirtation and sexual attraction. That semantic field generates completely different connotations around the key possession than the original presentation in Ruth’s narrative, which makes clear that she gave him a spare key so he could “go in and let her dogs out when she was away from Beechwood for a long day ... [because] Ben knew the dogs well and Ruth trusted him with them.” So the key was not be used for some illicit encounter, but in Ruth’s physical absence. Indeed, Sarah takes Ruth intention at face value: “Ben can feed my dogs – therefore I will give him a key”.

However, given that Ruth then invited Ben to keep the key and feel “welcome to come in and find a quiet place to chill if/when things were feeling a bit much” it may certainly be presented as an invitation to him to initiate some illicit encounter. Throughout the narrative Ruth is keen to stress that she only responded to interaction that Ben initiated (e.g. MSN chat) but this pattern does match that described by Johnson (2008, p77) where women teachers who become sexually involved with their male students do often facilitate and set the scene for the student to ‘make the move’. Whilst it is not acceptable for them to take the initiative and make the first move – either as a teacher or as a female, their relationships with their male students are more equitable because the power inherent in their role is counter-balanced by the power inherent in their student’s gender. They could therefore “set up situations in which they could passively give in to temptation ... set the stage whereby the line could be crossed” (*op cit*, p78). It would not be difficult to interpret Ruth’s actions in this way. Furthermore, in that context, Ruth’s keeping record of her

MSN conversations with Ben could be seen as recognition of the need to build a future defence, which might indicate her intention for their relationship to progress further. Alternately, this record keeping could simply show awareness of the risks inherent in unobserved interaction with a student and a desire to balance emotional support and a meaningful interaction with transparency.

That such contrasting narratives may be constructed from the same events highlights the need to be critical in considering what we understand by 'the truth' of any situation. What is 'the truth'? Is what the 'truth' was then the same as what the truth is now? Whose truth? How do we interpret behaviours, and what informs our interpretation, when diverse and multiple interpretations are so possible?

Mike's feedback states that it is "the sheer amount of these incidents [throughout Ruth's narrative, that] ... suggest[s] that something else might be 'leaking' into these problematic situations". However, these type of incidents *were* the agreed focus for Ruth's narrative – rather than an in depth exploration of her entire student experience and teaching career. Whilst "these incidents" do therefore dominate the narrative, they would have seemed infinitely less voluminous in the context of Ruth's full school history. If it is their dominance in the narrative that triggers Mike's concerns, this parallels the reception of narratives presented when a teacher is referred for misconduct; each narrative is constructed or compiled for a particular purpose. Does this not mean that 'the truth' of a narrative is more in its construction than anything inherent to the events narrated?

In her second comments, Kate expresses discomfort in formulating a response to Ruth's narrative, fearing that "the moral panic surrounding this issue [is] now inextricably linked with any thoughts an individual may have". She is concerned it would be inappropriate for her to comment because of the "inextricable links" between the individuals and their "situation/context".



Looking at the feedback from the other critical reviewers has made Kate more uncomfortably aware of “the melee of judgements that could possibly be imposed on the relationships”. Kate’s word choices are really interesting: ‘melee’, ‘judgements’ and ‘imposed’ convey some sort of circus carnival ludicrousness to the way that those outside of a situation ‘impose’ and ‘judge’ when they were not there and do not know everything and may have different criteria for judging based on “right vs wrong” without even considering “why vs why not”.

### **Teachers as embodied and fallible humans:**

Kate’s increasing discomfort sees her retreat into the collective ‘teacher’. She feels “the media and society constantly holds ‘the teacher’ accountable for all society’s ills ...”. This use of inverted commas to de-personalise ‘the teacher’ seems to be part of Kate’s response to the narrative and the “melee of judgements”, suggesting that the media and society hold up an impersonalised vision of the perfect teacher whose attributes include an infallible maintenance of appropriate professional boundaries; and whose attributes can only include such infallibilities because they are impersonalised hence avoid human fallibilities. It may also serve to distance Kate “as a teacher” from this level of personal scrutiny.

Kate’s final comments further express this concern. She is clear that there needs to be “a safe place to discuss such issues” or problems will perpetuate: “Teachers are mortal beings. If cut, they bleed. How is it that we have reached a situation whereby society dictates they must obey a strict moral code in all things (in and out of school) or else be damned? Unless teachers are accepted as fallible we’ve nowhere to go.” (Kate)

### **Action vs Intention:**

Sarah’s conclusion to the critical feedback focus was that, “being honest with yourself, clear and explicit about your intentions does make all the difference in maintaining professional boundaries in all work situations – not just

teacher-student relationships". Andy seemed quite defensive of Ruth in response to Sarah's comment, saying that, "feelings WERE honest and genuine. The professionalism should override what is and isn't pursued". In the parallel between Ruth-as- teacher, and teenage Ruth's own teacher, Jack, Andy sees Ruth's professionalism as overriding her feelings, where Jack's did not. Andy is keen to stress that, "all people have emotions and feelings" and teachers are no different. However, he sees Jack's behaviour (despite the different context of the 1980s/1990s) as 'encouraging' his students' attentions and taking advantage of "his position (of care)". Kate completely disagrees with Sarah's conclusion, stating that "'intention vs action' makes no difference as regards maintaining professional boundaries"; A sentiment endorsed in Mike's comments when he concludes that "intention vs action is, in fact, a false dichotomy and they are too closely linked. In the light of Ruth's problematic and messy experiences with negotiating teacher/student boundaries they make some but really very little difference." Mike is concerned that whilst "Ruth's intentions are clearly not to cross the taboo boundary and her unflinching reflexivity explores possible scenarios which she is clear about rejecting" it still seems that her account is "infused with a relish of maintaining a level of intimacy with a student where the sexual tension and the pregnant possibilities of these encounters are what she wants."

The sexual tension about which Mike is concerned may well constitute the erotic charge referenced in the literature as often being a feature of 'good' teaching" (Sikes, 2006, p270; Hooks, 2003; Johnson, 2004a). The way he expresses his concern, sets up Ruth's desires to be professional and reflective and passionate about her subject in opposition to her desire to maintain this sexual tension; Supporting Aoki's assertion of the strength of the discourse that demands that a teacher's success must be pre-empted by the annihilation of their sexuality (2002, p39).

Andy again comments in Ruth's defence, echoing Fibkins (2006) and Johnson (2008) in insisting that "these are fantasies that everybody has, in one form or another, with fellow human beings", and "Ruth cannot help her feelings or thoughts". He states that, "as the 'adult' in the relationship with Ben, she should ... prevent situations where things may develop". Andy is very clear that whilst he does consider there to be a moral code, "that is not to say that you cannot have fantasies or thoughts about students, but "the adult or dominant person in the relationship" should ensure those fantasies are not acted upon.

### **Use of narrative in research:**

The differing (and shifting) responses of the critical reviewers to Ruth as writer of her narrative vs Jack as character/role within her narrative, raises several questions; One particularly links to the use of narrative in research. In the context of conduct panel use and interpretation of behavioural intent, trust in the narrator is of particular interest. Responses to Ruth's narrative lead me to question whether it is easier to trust Ruth because she is so hyper-critical of herself AND because she chose to share even the instance she says makes her still feel intensely uncomfortable (whilst stating that this was 'as bad as it got'! so demarcating what she sees as the extent of her 'bad' conduct.) Does this demonstrate the absence of denial such that we recognise Ruth's pursuit of truth? It is also possible that her guilt made her selective in terms of the experiences she shared and, in addition, that her concern about intention vs action might suggest that she now attributes intentions herself to some of her actions that she is not comfortable sharing. Feldman (2003, p27) argues that "when we engage in reflective processes that focus on ourselves ... we cannot be sure of the accuracy of what we see." This anxiety does seem to be conscious in Ruth's self-presentation. However, inevitably, Ruth's narrative is a construction, and "we need to make sure that we are not blinded or fooled by the ways we construct our stories of being teacher[s]" (*op cit*). For me, as researcher, within the focal aims of this study, the most significant implication of this awareness is that stories *are*

inherently constructed and (for a range of differing purposes and audiences) we are variably constructing ourselves and being constructed by others. Subsequently, these story constructs are also the basis on which the propriety of professional behaviour is regulated, assessed and possibly sanctioned; both by ourselves and by others. Supporting processes of ethical self-constitution would seem to offer opportunities to sharpen our vision when scrutinising our story construction – to counter any such blindness or self-delusion.

The parallels in the narrative between Ruth-as-student and Ruth-as-teacher were part of the appeal for me of using the narrative in its entirety, and were also noted by the critical reviewers. (Being able to note the way in which Ruth structured her own narrative was also of important appeal.) Bruner (1994, p47) refers to ‘the startling consistency’ of told lives and flags the greatest “drive to reduce cognitive dissonance ... [as being] in the domain of ‘telling about your life’.” His suggestion that we search for cognitive links to make sense of our story corresponds with the possibility that Ruth may have self-censored her narrative if particular events created too much cognitive dissonance in not unifying with the self she was trying to constitute as subject through self-mastery. However, it should be stressed that Bruner is referring to entire autobiographies, whereas Ruth’s narrative has a far more specific, selective and directed focus – which arguably, in itself, gives a unity that may overcome any fears of subject dissonance. Additionally, it may also be that events about which Ruth feels most discomfort *are* present specifically *because* they cause dissonance.

As the pressures of performativity feature in (and on) teaching practice, it should be considered that they may also feature in Ruth’s positioning of herself within her narrative. Perryman (2009) explores how inspection reports are about the performance and not ‘the reality’, which creates distance so that the compulsory inspection is actually inspecting your performance and not ‘you’. She views this as a form of resistance, and it is possible that Ruth may

be seen to resist possible judgement (or retain some control over the scope of possible judgement) through acknowledging her concerns, whilst minimising them and linking them to 'corrective' reflection; just as Perryman describes within the school inspection process. Perryman relates this performance to lack of confidence in the inspectors' ability to understand context and really understand the issues, such that concerns are not shared in full for fear of sanction rather than support. It is possible to see the reader of Ruth's narrative acting upon her history with an inspector's scrutiny. If we do see Ruth as subjected to inspection in her narrative, we may see her as having "order[ed] and combine[d] words in particular ways and exclude[d] or displac[ed] other conditions" (Ball, 1990, p2). However, it is arguable that this "can not be taken as a fabrication of the performers 'will' or 'choice'" (Butler, 1993, p234, as cited in Perryman, 2009, p50) but an indication that the dominant discourse may reach even into academic, doctoral-level study, in ways that push for the "disavow[ol of] what remains opaque, unconscious, unperformable" (*op cit*).

## **Section seven: Discussion**

**“There will always be other perspectives from which to interpret the material under review. To seek a definitive account is, thus, a misguided undertaking.”**

(Humes and Bryce, 2003, p180)

If what constitutes ‘appropriate professional boundaries’ is non-specific and yet universally applicable (and sanctionable when absent), our misconduct processes are incoherent. Professional misconduct processes evaluate against an assumed definitive of appropriate boundaries, and seek to agree a definite interpretation of the conduct under review in order to reject referral or pass sanction. The process is riddled with assumptions and interpretations are only accepted for consideration when they match the master narrative; which can only be a version (Wetherall, 2001); *a* ‘truth’. Behaviour is then sanctioned against ‘a truth’ – a truth that may not be shared by any of the participants in that behaviour. But if that need for sanctioning is driven by the impact of that behaviour on those who might be outside of the interaction (society) then the function of the sanction (the need for it) becomes about social cohesion and direction more than it is about any regulation of the individual or even of a profession. Arguably, the visibility of professions is what increases the need for professionals’ demonstrable regulation. This theory is consistent with the notion of ‘Crime Control Theater’, with a public response that “generate(s) the appearance, but not the fact, of crime control” (Grondin, 2010, p2). The focus here on societal function links to Games of Truth ... response to ‘misconduct’ is not about the inherent value of a behaviour but about consistency and the messages that allowing or sanctioning that behaviour gives out. In such a climate of Performativity, Ball (2001, p211) highlights “the uncertainty and instability of being judged in different ways, by different means, through different agents” that accentuates the primacy of the need to perform convincingly. This makes explicit recognition of the active role of context crucial for how any “behaviour is

defined, judged and evaluated” (Goode and Ben-Yehuda, 2009, p112). Any truth is situated and contingent.

If “truth is always contingent and subject to scrutiny” (Graham, 2011, p666), scrutiny might most positively originate from ourselves upon ourselves (as a function of self-care) rather than as an element of the panoptic so closely aligned with Performativity. If truth is contingent, how can we have a uniform code? Unless, that code is sufficiently general as to outline agreed principles AND gives the space for local agreement of what the ‘truths-in-practice’ of that code might be in particular contexts. Even the most committed local community is unlikely to be able to keep pace with the multiple and shifting context combinations to which any profession-wide code might (by definition) need to apply in order to agree a workably mutual ‘truth’ that works in practice. However, this local community discussion does offer an essential self-care opportunity in supporting the development of each individual’s ethical practice. That almost leads me to think that we should do away with professional codes of conduct entirely and focus instead on the further development of individual ethical capacity and have confidence that the legal tools and constraints applicable to all citizens are sufficient ‘protection’. If codes are for protection (of students *and* teachers) how can they justify that functional claim when they are used only as a reactive and symbolic tool rather than a formative framework for ethical development? In this scenario it is not the code that protects teachers – it is the fearful guidance from teachers’ organisations that goes beyond the code in a risk-averse worst-first prescription that attempts to protect through distance and avoidance. If codes are purposed for demonstrable trust-earning and status-worthiness, why do they function to undermine the trust in teachers who must ‘need’ such regulation in order to be ‘safe’ and are therefore not worthy of an elevation in (or security of) status?

Hoy and Tschannen-Moran (1999) outline five facets of trust (as cited in Van Maele, Van Houtte and Forsyth, 2014, p6). Cerna (2014) has dedicated an

entire OECD report to exploring the complexities and varying definitions of what constitutes trust – with the additional complexities of how such varying understandings may then be differently acquired and measured.

Consequently, even though measurements such as Ipsos Mori polls (2015) may aspire to illustrate comparative public trust across a range of professions, it is difficult to be convinced of how comprehensive (or relevant to discussion of propriety in teacher-student relating) a notion of trust their polls represent. In the Ipsos Mori poll, for example, the one question asked is ‘Now I will read out a list of different types of people. For each, would you tell me whether you generally trust them to tell the truth or not?’ Whilst this poll may place teachers as a trusted profession, second only to doctors; it only asks about one of Hoy and Tschannen-Moran’s (1999) five facets of truth and we cannot know whether the response is led by interactions with individual teachers known to the respondent versus a view on teachers collectively as an identifiable group – whether known to the respondent or not. Cerna (2014) identifies four levels of trust (Appendix 5) (within each of which would be located Hoy and Tschannen-Moran’s (1999) five facets) and surveys and barometers such as Ipsos Mori are more likely to be “measuring proximal issues like confidence and missing the larger order issue of trust as a whole” (Cerna, 2014, p9).

Foucault draws on the Greek understanding of ethics as “a way of being *and* of behaviour” (1997, p286); of behaviour choices individually and freely chosen as part of our ethical self-care and improvement. Drawing on Plutarch, he argues that if we need rules of conduct to tell us how to act in each situation, we are merely barking dogs mastered by the rules (*op cit*). It is “the practice of self that will allow us to play these games of power with as little domination as possible” (*op cit*, p298). On that basis, if teacher-student relating is so dangerous because of the inherent power differential; supporting teachers in the development of their self-care would guard against mis-use of that inherent power. When Foucault suggests that “a professor who abuses his authority ... [is a] problem [that] must be framed in terms of rules of law” as



well as “practices of the self and of freedom” (*op cit*, p299) this again leads me to wonder what a professional, profession-wide code of conduct actually adds. And even, what a local professional code might add. Perhaps a combination of societal law and individual (supported) ethical self-care might be the optimum framework.

Besley and Peters (2007, p35) root Foucault’s ethical self-constitution in Greek notions of self-mastery that Foucault saw as proactively enabling the individual to engage fully, rationally and ethically with the world. Interestingly, Foucault’s view of the equivalent Christian notion is that it advocates a self-renunciation that he saw as underlined by fear “that the self is much too real” (Foucault, 2001, p139 as cited in Besley and Peters, 2007, p35). This latter view relied on detachment from the world (rather than the enabled full engagement of self-mastery). It seems to be these differing ethical notions now represented in the divisions of debate around teacher-pupil relating; between those who can only contemplate renunciation and denial of desires of self and those who would encourage critical reflection on our shared humanity to move towards self-mastery and ethical self-constitution. I would argue that it is through self-mastery someone becomes a responsible citizen (Besley and Peters, 2007, p41) not through self-denial – which does not get as far as rejecting the ‘undesirable’ or ‘unethical’ option because it never acknowledges its presence, so does not demonstrate a person’s trustworthiness. It is within a culture of denial that compliance needs constant monitoring.

If we can “question the intelligibility of truth” decisions we might “be able to imagine things being other than what they are” (Graham, 2011, p666). This might strengthen our confidence in challenging practice that fearfully constrains recognised positive pedagogy in impossible efforts to protect from any possible risk. This is the potential positive in my suggested use of Sach’s Active Professionalism for community-created localised codes of conduct. Perhaps this suggestion would be better refined not to create localised more

detailed (and formalised) codes, but to simply discuss local understandings of the implications of national codes enacted in that local context, to support the individual self-care of community members. Cerna (2014) describes collaboration and trust as reciprocal processes, stating that trust “is the result of co-operation and a condition for it” (p29). However, whilst she is positive about building teacher capacity and gaining feedback from all stakeholders across a community, such that capacity and trust were both increased in conjunction with strong central leadership; the example she cites also shows “the difficulty to sustain trust over time in complex systems” (p25). Schools and their communities are complex systems, and Cerna seems to suggest that organisational trust (funnelled through the leader) would be quicker to achieve and less complex to manage and sustain, which she believes would lead to higher levels of trust. However, her definitions of trust do not directly equate with ‘trustworthiness’ (the likelihood that a trustor’s trust will be reciprocated by the person they are trusting, with qualities and actions that match their expectations). This is noteworthy because a community-level agreement arrived at through a more hierarchical process would not be sufficiently distinct from top-down accountability, so would not engage the sought benefits of the community-led, context-responsive code I suggest; It might ‘deliver’ a type of ‘trust’ but not the bought-in-to trustworthiness of ethical self-constitution.

However, there are also critical concerns with regard to the impact of ongoing discussion of local interpretations of teacher-student interactions regarding whether it might further raise the awareness of the possibility of the transgressive in such a way that it generates additional risk. Grondin (2010, p7) argues that heightening teachers’ awareness of the risks of sexual misconduct (and how so many behaviours might be interpreted as sexual) “inadvertently also encourage(s) another kind of awareness: a new acknowledgement by teachers of the child-student as a sexualised subject ... sexualising the very population whose protection ... is sought after”. Grondin may not be suggesting that by increasing awareness of children’s sexuality

more teachers will be sexually attracted to children and act on that attraction, but that more teachers may become aware of their existing attraction to some young people – of which they are currently in denial, within the dominance of a narrative of self-renunciation. If there is no blanket denial of desire then consideration of such teacher-pupil interaction becomes an ‘option’ – although, arguably, it already is an option. Nevertheless, I do share Piper and Stronach’s (2008) concerns that what was innocent can be polluted and its loss enduring. Given their argument that the discursive space for exploring ‘appropriate professional boundaries’ is “a space that has already raised the possibility of the sexually transgressive or illicit” (p11) could any local community discussion move beyond this Pandora’s box where “the contamination of form and place is prior to all adjudications of appropriate content” (*op cit*)? Might such discussions actually serve to make abusive teacher-student relations a permanent focus, “never entirely absent from professional calculations ... a kind of pollution” (*op cit*, p27).

Dean (2010, p14) argues that “Our understanding of ourselves is linked to the ways in which we are governed” (as cited in Ball and Olmedo, 2013, p87). This is pertinent for teacher identity but also for children and young people, who are disempowered by the dominant binaries that only offer them the role of object-victim in their interactions with adults. If, as with Active Professionalism, we self-govern, we are both empowered and ethically self-constituted through this opportunity of self care. Ball describes subjectivity that enables our claimed identities as “the possibility of lived experience within a context” (2013, p125). Perhaps we might accept that ongoing and unsettling discussion of ‘appropriate boundaries’ might foreground possibilities of the illicit but see this as a necessary part of Foucauldian self-care. It is as though being more aware of the variety of choices in action we do have (and their implications) increases our self care and makes us more ethical and more ‘free’. A welcomed freely chosen behaviour is worthy of trust in a way that the same behaviour, coerced, is not. Foucault argued that “Freedom is the ontological condition of ethics. But ethics is the considered

form that freedom takes when it is informed by reflection” (Foucault, 1997, p284). Maybe we need to face the spectre of our humanity to become the ‘ethical teacher’ we seek. If we do not acknowledge the transgressive possibilities within us isn’t our denial on a par with those seeking to perpetuate the myth of asexual classrooms, teachers and teenagers?

Self-constitution is not possible without informed reflection (Besley and Peters, 2007, p24), so any profession seeking to define its self-expectations needs to create safe space for ongoing reflection; a “reflective critical space” for the development of ethical literacy (Kim, 2013, p21). Embracing the whole local community in that ongoing reflection does offer opportunities to shrug off the disempowering binaries associated with power differentials within a sovereign model by questioning the truths of established (taken for granted) power relations. It has epistemological benefits due to the diversity of social position of its constituent members so is likely to achieve a community standpoint *if* “there is sufficient scrutiny and critical awareness of how power structures shape or limit” (Intemann, 2010, p785) ‘appropriate boundaries’.

Foucault also flagged this self-censoring paradox created by “prohibitions against sexuality on the one hand and the strong incitations to speak the truth on the other” (Besley and Peters, 2007, p23). However, is the level of ‘unsettling’ honesty necessary for ethical self-constitution (Ball, 2013, p147) possible when the strength of “professional and performative processes” (Perryman, 2009, p41) is so great? It might be that “it is no longer possible to externalise risks” (Beck, 2000, p216), however, Perryman explores how a lack of trust in inspectors leads schools to acknowledge weaknesses only whilst minimising them and linking them to already mobilised corrective action. Real concerns were not shared for fear that sanctions rather than support would follow. Butler states that “what is performed works to conceal, if not to disavow what remains opaque, unconscious, unperformable” (1993, p234 as cited in Perryman, 2009, p50). But it is concealment and disavowal that increase risk for young people *and* teachers; “The impacts of risks grow

precisely because nobody knows or wants to know about them” (Beck, 2000, p219). This is denial rather than mastery. Internalised concealment would work directly against principles of Foucauldian self-care. Performativity functions as a dividing practice that objectifies teachers and ties them to their ‘teacher’ identity in ways that only constrain (Foucault, 1982, p781). If *who* we are is inseparable from *how* we are with others (Horsdal, 2012, p117 – drawing on Schrag) but we can only regulate for *how* we are or are *seen* to be, *who* we are is what is concealed. Foucauldian self-mastery challenges this concealment because full critical reflection is necessary for ethical self-constitution and only ethically self-constituted subjects can interact ethically with others.

Paradoxes abound: teachers need trust to be open in discussing appropriate boundaries<sup>14</sup>, yet the dominant discourse has already established the impossibility of legitimate disagreement. If we can only discuss what is allowed within the dominant discourse we cannot be honest. ‘Honesty’ is one of Hoy and Tschannen-Moran’s key facets of trust (1999). If we cannot be honest we are not trustworthy. However, If we can have no trust in the benevolence; reliability<sup>15</sup> and honesty of those with whom it might be advantageous to engage in such honest discussion, how can we be honest? Beck argues that it is where trust ends that the perception of risk takes hold (2000, p213) and yet the greater the risk, the greater our need for trust. In stating that risk is culturally constituted, Beck’s stance incorporates the active significance of context in the interaction between risk and trust. Cerna (2014, p36) echoes this relationship, stating that “trust moves along a continuum of intensity. Hence, there are no one-size-fits-all solutions and context matters”. It is as though we need to break down (or accept the breakdown of) pseudo-

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<sup>14</sup> Trust, in this context, would be what Cerna (2014) refers to as a willingness to make oneself vulnerable; a trust behaviour.

<sup>15</sup> Benevolence and Reliability are each amongst Hoy and Tschannen-Moran’s five facets of Trust (1999).

trust to build up something more genuine with actual foundations in real professional choice; as though only in this way might we find teachers as trustworthy professionals rather than be signalled to have trust, at an institutional level, through the professional regulation of teachers.

Furthermore, as Cerna has suggested (above) these foundations need scope to differ in differing contexts. Besley and Peters (2007, p139) state that “Foucault’s point is that if you can conceive of the subject only as a subject of law ... then it is difficult to bring out the freedom of the subject and ethical self-constitution.” This might also suggest that rather than facilitate interpersonal trust in teachers, professional regulation reduces the development of teachers as individuals and so undermines a basis for that level of trust.

Drawing on Foucault’s discussions of the subject and power (1982) might guide us to make a sense of these combined contradictions as follows: It is the fear generated by risk that gives codes of conduct and professional regulators power. This is a manipulative power strengthened by the uncertainty of others’ interpretative response. In that context, the vagueness of ‘appropriate boundaries’ combines with the severity of disciplinary response not to act directly on us as a profession, but to act upon our actions such that we choose to comply – even though we do not have to – because the alternatives are too fearful. It is as if, by ‘freeing’ us as a profession, now power can truly be exercised over us.

If this is the case, how do we make a sense of the devolution (by the coalition government) of regulation of all competence issues and all but serious misconduct to school leaders? Page warned that the coalition “reforms can be seen as more authentically panoptic” than ever (2013, p242). Foucault’s claim that “every extension of power relations to make the insubordinate submit can only result in limits of power” (1982, p794) might, in converse, suggest that the power of the secretary of state has fewer limits and the power of school leaders is further limited with this apparent devolving of power. Arguably, this is another example of the function of the apparent; the seen; the symbolic.

**Practical implementation:**

Codes of conduct for teachers cannot stem “from a closed environment, nor exclusively [from] teacher professionals. Current context shows the need for interaction between civic ethics and professional ethics” (Crisol and Romero, 2014, *translated*, p32). Crisol and Romero’s argument suggests that ethical development is about supporting individuals to reflect on their own morality, and how it has been (and is being) shaped in conjunction with their own thinking and choices. This seems to tie in with striving for ethical self-constitution. The stated purpose of their work is to suggest that training in ethical practice must be systematically and mandatorily included in HE syllabi for teachers during training, who should explore their evolving ethical identities. The bulk of the recent literature around teachers’ ethical development (Campbell 2006, 2011, 2013; Kim, 2013; Hutchings 2012, 2014) coincides with evolving international practice<sup>16</sup> that the development of such skills should begin with initial teacher training.

The Georgia Educator Ethics Assessment, designed to equip “educators with tools for ethical decision making” (GACE, 2014, slide 12), covers real-life scenarios, interactively, in modules that distinguish between layers of interaction (such as between teacher and student, between teacher and school, between teacher and community) (GACE, 2014b). It may be that these layers of interaction lend themselves productively to structuring the practical enactment of the further, collaborative, development-through-co-creation I have suggested. These layers of interaction could frame the constitution of interest groups within the whole school community that would then be interdependent in co-creating a whole-school code, so long as this way of working did not serve to restrict autonomy or flexibility (Cerna, 2014, p30). This would essentially be a microcosm of the framework function I have suggested is provided for schools by national-level legislation and guidance

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<sup>16</sup> Such as the Georgia Educator Ethics Assessment – launched in quarter 4, 2014.

that might act as an enabling structure for more detailed, context-responsive understandings of propriety. The actual protective function of codes of conduct is likely to be increased by such an approach (rather than the 'Crime control' performance of such protection) because empowering all community stakeholders in agreeing context-responsive codes would increase accountability, "since decisions would have to be responsive to the preferences of the [local] population" (Cerna, 2014, p30).

Such an outlook is interesting within the current English context. Cerna (2014, p32) states that "Multiple accountability aims to increase legitimacy and trust from the local community through the process of *learning* and feedback that it entails". The consultation from the DfE (2014) inviting feedback on proposals for a College of Teaching stresses the necessity of demonstrable engagement and continual *learning* for the acquisition of status and due recognition of teachers. By extending that engagement and learning across the school community might we also extend that recognition of the contribution (and capacity to contribute) to understanding, agreeing and supporting propriety, to the whole school community with whom the propriety of our interactions are currently externally regulated and assessed. We need to build an agreement among all community stakeholders; all who are affected by these decisions and interactions (Crisol and Romero, 2014); including teachers, governors, parents and students.

In their recent consultation, the other major focus of the DfE (2014) is on evidence-base. Both evidence-based teaching and evidence-based teacher training and development are presented as essential, with strong links made to the central, leadership role of Teaching Schools; firstly, in teacher training and development and possibly ("over time", p7) taking responsibility for Teachers' Standards. Given this level of official endorsement of the role of Teaching Schools and possible eventual responsibility for the national-level framework of teacher standards, it would seem logical that any practical implementation of my suggestions would be built on an assessment of the



outcomes from Georgia (thus evidence-based) and disseminated through Teaching Schools. Even though the latest Claim Your College (2015) proposals continue to reject any role in regulating teacher conduct, this is not illogical on the basis that membership is to be voluntary and the level of representation across the profession to which they aspire once established is just 20% being chartered by the college by year 10 (Claim Your College, 2015, p6). If regulation is to be at profession-level the regulator also needs to operate at that level, and the proposed College would not. However, whether or not conduct regulations stay within Teachers' Standards may have to be revised if and when responsibility for Teachers' Standards is passed from the NCTL to a new College of Teachers, operational from 2016 (DfE, 2014, p7). It might be important to raise professional awareness of the implications of such a shift. The College aspires to focus on and develop ethical behaviour in a common code of practice, but if such a focus and development opportunity costs £70 annually<sup>17</sup> and only extends to 20% of the profession, then we see the marginalisation of ethical practice about which Campbell (2013) is so concerned. Equally, if Teachers' Standards pass over to The College (whose membership is voluntary) but apply to the whole profession, then the creation of such a College will not mitigate against the need for context-responsive local codes I have proposed. This may mean that the creation of The College is a coincidence rather than a vehicle, which would lead me to focus the practice of my suggestions on Teaching Schools and on HE providers conferring qualified teacher status.

The online delivery and assessment of the Georgia Educator Ethics program is a format that would be equally accessible to trainee teachers in England, and could be seen as comparable to the English, Maths and ICT skills tests. In Georgia, it is mandatory for trainee teachers to take on assessment at entry to their teacher training and another before certification is possible. Their process (Appendix 6) shows a continual cycle of review designed to

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<sup>17</sup> Average annual fees estimated by Claim your College, 2015 (p6).

inform ongoing teacher development as well as revised model codes. The providers of initial teacher training are also inherently involved in supporting developing teachers' understanding of ethical principles so that although "ethical decisions are highly dependent on the specific facts and circumstances of a situation" (GACE, 2014b, np), they are able to translate those principles into principled action.

The cycle of support, feedback and improvement associated with evolving plans in Georgia necessarily link beyond teacher training providers and into the school communities. Campbell (2006) is clear that what gives ethical knowledge "the potential to define teacher professionalism" is the space for active reflection on "daily practices and even routines [that] can help teachers *anticipate* the moral nuances and challenges in their work" (p34). My suggestions are located within the whole school community, and Campbell locates this collegiate reflection within these communities, such that "the enhanced ethical knowledge of ... [teachers is] visible to all" (2006, p34). This might be seen as demonstrating the learning status espoused by the DfE (2014) but it may also be seen as another layer of performativity if we only win external support for such endeavours through promising a function of performing ethical competence.

## **Conclusion**

**“Being an essentially good person with an intuitive, general sense of right and wrong does not, in itself, equip the professional teacher to appreciate the layered nuances of classroom and school life in terms of their moral and ethical significance.”**

Campbell, E. (2006, p32)

My aim in this study was to understand how educators who consider themselves caring, ethical and reflective, and strive to be a ‘good person’, might yet act in ways that may be perceived as (and may constitute) misconduct, despite the existence and regulatory weight of a code of conduct. I have explored the impact of codes of conduct on what it means to be a teacher and questioned whether the model of professional conduct in regulatory codes and in the literature stemming from the dominant narrative actually serves to impose a style of teacher-pupil relating that is pedagogically and personally limiting.

I have argued that teacher misconduct processes, as they currently stand in England, are incoherent in the incongruence between stated and actual functions. I have suggested that the purpose of publicly sanctioning teacher conduct at a national level is driven by directing and cohering society rather than raising the standards of teacher conduct or increasing trust in the profession. If trust is an agreed destination of teacher codes and standards, I have argued that self-scrutiny is likely to be more effective than panoptic Performativity in reaching that goal. If codes are about accountability and child protection (or indeed, the protection of teachers), I have questioned how they can claim that purpose when their use is reactionary and symbolic rather than formative and supportive of developing ethical practice. Our current environment is one where ethical dilemmas in teacher-student relating are denied, and I have suggested that denying these dilemmas shuts down opportunities to explore them in order to constitute our own ethical practice.

Consequently, it is a particular characteristic of this environment of denial that constant monitoring and suspicion substitute for ethical subjects making collaboratively informed decisions. Whilst I have acknowledged concerns that explicit and broad discussion of propriety may serve to pollute all forms of interaction, I have argued that we may need to face the darker sides of our humanity and demonstrate a conscious choice towards welcomed behaviours, rather than coerced compliance, in order to really become ethical teachers. I am very conscious of the risks inherent in the level of openness I am suggesting: if we embrace full transparency we may reveal that which does not conform to the model professional we are pressured to perform. However, it is this open critical reflection that will allow us to develop as ethically self-constituted subjects that is the most rigorous means of ensuring 'appropriate' teacher-student relating, not constant surveillance and reactive sanctions.

I would summarise the significance of my study in two main areas. In exploring the tensions between enacted professionalism and regulated conduct, I offer a policy alternative that allows educators to work within the framework of the national code of conduct and still have clarity around the propriety of *specific* relational behaviours that is not imposed or uniform. In so doing, I have sought to respect and recognise the ability of communities to decide for themselves what they consider to be appropriate within their context and give them back ownership of their own needs and actions. Seeing teachers as a part of their communities, my intention is that empowering them within this discourse serves to support them into active professionalism and opens up legitimate space for necessary discussion. My theoretical combinations have allowed me to argue the strengths of context-responsive, local codes as well as acknowledge inherent challenges. Developing the concept of ethical self-constitution within an argument for Active Professionalism goes some way towards countering the rationale for reactive risk-motivated teacher surveillance. It does so because it supports

the belief that a more effective way of engendering comprehensive<sup>18</sup> trust is to arrive at ethical (trustworthy) behaviours as a result of individuals making informed and real choices about their behaviour through a process of ethical self-constitution; transformational change rather than imposed compliance.

### **Future directions:**

Looking forwards, within England, the likely emergence of a new College of Teachers, agreeing standards and building professional development around those standards, but *without* the role of professional regulation, will be of interest. The blueprint for the college (The Princes Teaching Institute, 2014, p6) states that it would “not be a regulatory body but a supportive one” – which may suggest a belief that regulation and support cannot co-exist. Its standards (the areas of which do not currently cover conduct) would be in addition to the regulatory standards the proposal is clear should remain with Government. The vision is that this college would have, “no role in disciplinary hearings or in matters of conduct relating to employment” (*op cit*). It would not be a self-regulatory body and membership would be voluntary. “It would, however, retain the right to expel members if their conduct were seriously injurious to the reputation or interests of the College” (*op cit*), which suggests the introduction of an additional tier of action towards misconduct over and above the continuing role of the NCTL. This would be akin to the role of the Higher Education Academy (HEA) within Higher Education. Whilst the college strives to “empower and enable teachers” (*op cit*) and the latest proposals (Claim your College, 2015) do consider the ethics of practice to be within its remit, if ethical behaviour is part of aspirational standards for 20% of teachers (*op cit*) then more still needs to be done to make “the moral dimensions of teachers’ work visible, authentic and significant” (Campbell, 2013, p31). If it is

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<sup>18</sup> By comprehensive, I am referring to a concept of Trust that incorporate all of Hoy and Tschannen-Moran’s (1999) five facets of Trust across multiple forms of trust (Cerna, 2014).

designed to “rise up from the profession and be owned and led by teachers themselves” (Hobby, 2014, np) The College does have potential in the context of Active Professionalism, but I would argue that this potential cannot be fulfilled by an organisation that is only partially representative of a profession and divorces its remit from regulation; That this almost equates to a professional denial of, and refusal to engage with, the complexities around conduct.

Beyond England, it will be important to monitor the processes and impact of teacher regulation in locations such as Ontario and Scotland, where self-regulation and compulsory membership are key characteristics. In the U.S., the development of ethical skills within initial and ongoing teacher training has the potential to facilitate the ethical self-constitution for which I have argued and from which the current College of Teachers path in England leads us further away. The desire for, and impact of, embedding ethical skills development within an overall teacher training and professional development framework is something of which the NCTL and any College of teachers in England should be very aware. There are useful opportunities for me to apply what I have learned from my study to support and develop that awareness.

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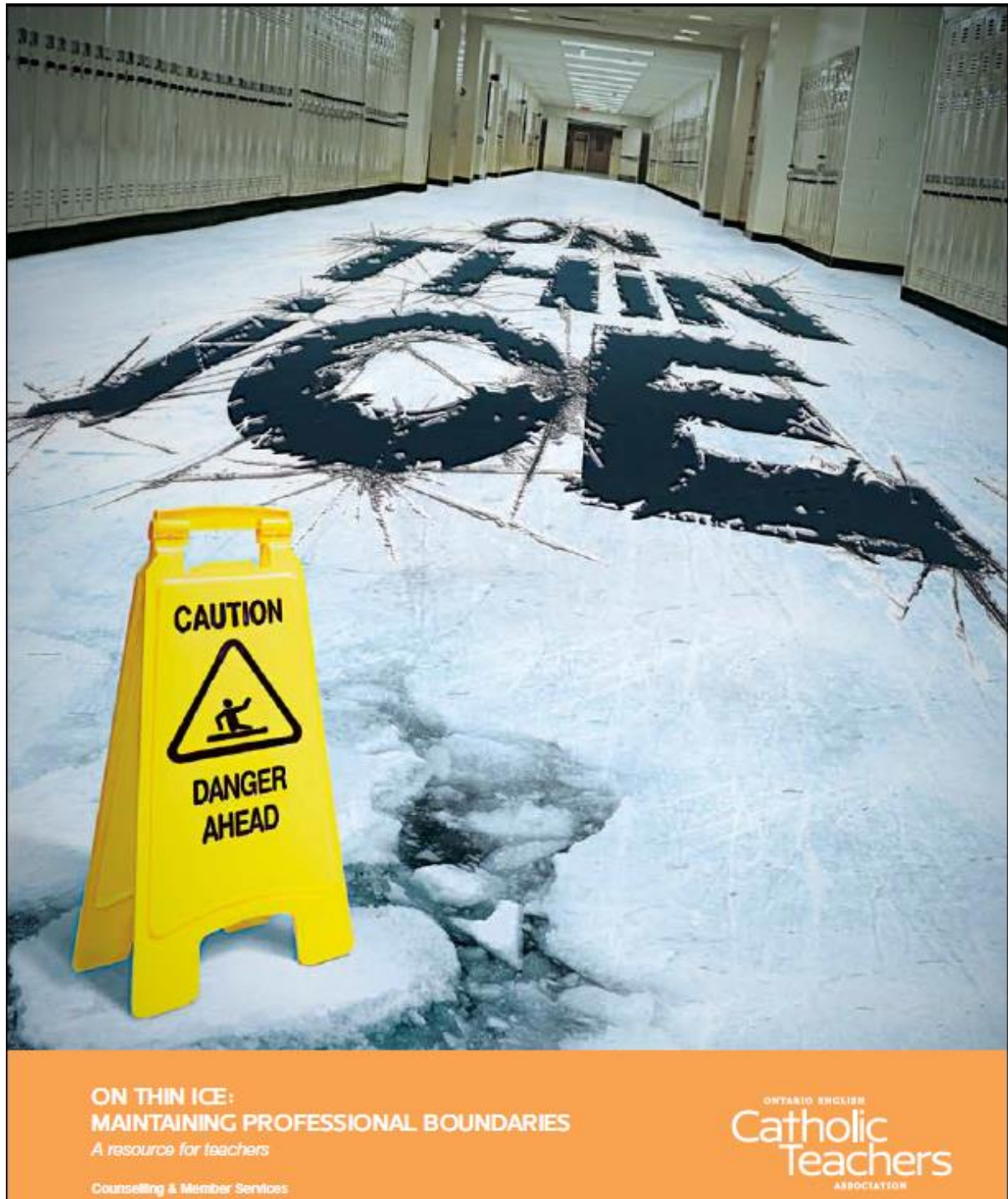
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## APPENDICES:

### Appendix 1:



OECTA, 2012: front cover

## Appendix 2:

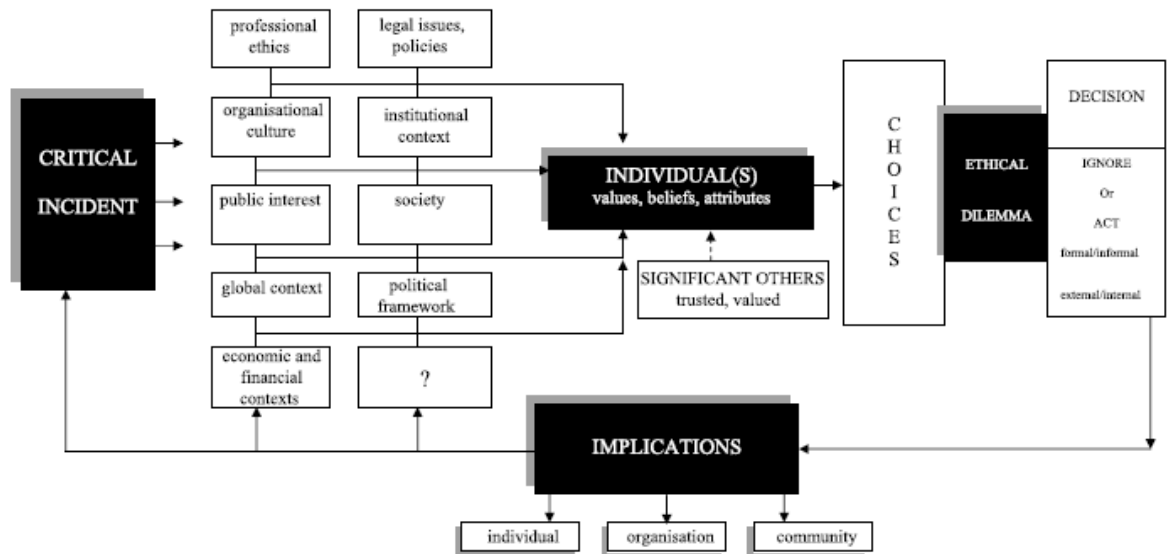


Figure 1. A model of ethical decision-making.

Ehrich *et al* (2011) p178.

### Appendix 3: INSET respondent form

1. INDIVIDUALLY, could you please complete the following:

I would define 'Appropriate professional boundaries' between teacher and student as:

---

---

2. IN YOUR GROUP, could you please combine those individual definitions (above) into an agreed, group, definition.

Our group agrees to define 'Appropriate professional boundaries' between teacher and student as:

---

---

3. AS A GROUP, please consider the five examples and indicate below an **agreed group view** of how well you believe professionally appropriate boundaries (PAB) are being maintained in each example. (Tick relevant box)

	Definitely not PAB	Not really PAB	Undecided	Somewhat PAB	Totally PAB
SAM					
JO					
PAT					
CHRIS					
MO					

- At the Head's request, Sam provides a student with Oxbridge tutoring support on a Sunday morning. The tutoring takes place in Sam's home.
- Jo invites a 6<sup>th</sup> form student to the cinema over exeat to catch re-runs of a classic film they've talked about in class.
- Pat's teenage children (who are students at Pat's school) often bring school-friends home. When they stay over for the night, Pat joins them for a couple of beers in front of the t.v. before bed.
- Chris coaches the U18 tennis squad, and often drives students back to their home, in a personal car, alone – with parental consent.
- Mo bumps into one of last year's L6 leavers (J) in a pub. J is 18 and Mo is a good friend of J's brother. With the acceptance of J's family, Mo and J begin a physical, romantic relationship.

4. (INDIVIDUAL indication: place attached, named cards into the relevant pot.)

#### Appendix 4: Thomson's summary of a turning a Foucauldian approach to Discourse analysis into method

Turning this way of understanding discourse into method to apply to textual analysis means asking of the text or texts questions such as:

1. What is being represented here as a truth or as a norm?
2. How is this constructed? What 'evidence' is used? What is left out?  
What is foregrounded and backgrounded? What is made problematic and what is not? What alternative meanings/explanations are ignored? What is kept apart and what is joined together?
3. What interests are being mobilised and served by this and what are not?
4. How has this come to be?
5. What identities, actions, practices are made possible and /or desirable and/or required by this way of thinking/talking/understanding? What are disallowed? What is normalised and what is pathologised?

<http://patthomson.wordpress.com/2011/07/10/a-foucauldian-approach-to-discourse-analysis/>

## Appendix 5: Forms of Trust (Cerna, 2014, p18)

**Table 1. Forms of trust**

	Interpersonal trust		Organisational trust	Institutional trust
	<i>Particularised</i>	<i>Generalised/social</i>		
<b>Definition</b>	Face-to-face interactions Based on reputation	Trust towards strangers No direct information about people	Trust in an organisation, employees' willingness to be vulnerable to their organisation's actions	Trust in institutions
<b>Key characteristics</b>	Based on sum of common experiences between parties; Emotional attachment and intimacy Knowledge about the other's integrity and values Informal control through reputation and sanctions embedded in networks	Does not hinge upon specific situations Deals with unknown groups and/or strangers Existence of fundamentally shared values and norms of behaviour Experience of repeated interpersonal interaction with different groups Confidence in functioning of societal institutions (formal and informal)	Further differentiated into intra-organisational and inter-organisational trust Order is important, so is social environment of employees	Characteristics of a trusting relation are likely to be specific to the type of actions being considered Takes into account trust in systems over which the government may only have partial control
<b>Examples</b>	Trust in family, friends, colleagues	Trust in other citizens	Trust of parents in the school organisation	Trust in government, parliament, police, legal system, education system

Appendix 6: GACE (2014) Slide 6 – Timeline for Georgia Educator Ethics Assessment.

